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Mr Adee
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R 717-13.

No. 581.

Legation of the United States.
Peking, February 2nd, 1880.

George F. Seward to
the Secretary of State.

Subject.
Receipt of instructions.

Synopsis.
Instruction number 324, and
circular of November 22nd
have been received.

No. 11. 5-81.

Legation of the United States.

Peking, February 2nd, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have had the honor to receive your instruction, number 324., and your circular of November 22nd informing me of the appointment of Mr. John Hay as Assistant Secretary of State.

I have the honor to be,

Sir,

Your obedient servant.

Georg F. Seward

Act

Confidential

No. 582.

Legation of the United States.

Peking, February 2nd, 1880.

DEPARTMENT OF STATE
APR 2 1880
RECEIVED

George F. Seward to the Secretary of State.

Subject.

The opium trade.

Synopsis.

Referring to his despatch number 580, Mr. Seward states that he is inclined to think that Sir T. Wade is endeavoring to put the trade on a more favorable footing

Confidential.

No. 582.

Legation of the United States.

Peking February 2nd, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Recurring to my despatch, number 580. I have to state,— upon reflection, that it appears possible that the British Minister is endeavoring to effect an arrangement with the Chinese under which opium will be placed upon a more favorable footing, possibly one which will exempt it from inland dues upon the payment of an increased

duty

duty at the port.

If the Chinese see fit to make such an arrangement, which I do not at all expect, we cannot actively interfere, but I shall not hesitate, if I learn positively that this proposal is on foot, to say to my Colleague and to the Chinese, that we would look with extreme disfavor upon any proposal which would withdraw from the Chinese the privilege of dealing with opium, when in native hands, as they may see fit.

I have always felt great satisfaction that the Chinese are left at liberty to deal with the

drug

drug after importation exactly as their sense of duty or their necessities may dictate, and I would be greatly disappointed if any arrangements should be made, which, although assented to by China, would justify the assumption that foreign Governments are disposed to protect the drug in native hands.

Such protection, whatever the stipulations made, would have to be active to be effective, and would, for this and other reasons, justify a certain reproach upon foreigners.

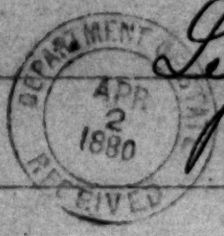
I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Seward

C. R.

No 2 cds April 12. 1880. Mr Caldwell

Look as valuable. Substance to Pres. to the Dep C. S. 4/7 made

No. 583. One Enclosure.



Legation of the United States.

Peking, February 2nd, 1880.

George F. Seward to the Secretary of State.

Subject.

American cotton goods trade.

Synopsis.

Mr. Seward forwards Mr. Consul Hemmy's report, with certain comments.

No. 583. One Enclosure.

Legation of the United States.

Peking, February 2nd, 1880.

Honorable William M. Evarts,

Secretary of State.

Sir:—

The Consul at Tientsin, Mr. Fleming, has responded promptly to my circular note asking for information in regard to the cotton goods trade. His despatch is very interesting and I transmit it to you without waiting for the reports of our officers at more distant points. 1/583.

I remark upon it as follows

follows.

The adulteration of English cottons.

English manufacturers make clean goods as well as those adulterated. The latter are useful for certain purposes, as, for instance, for backings and linings generally. The Chinese understand perfectly well whether they are buying the one or the other class, and the future of the trade as respects competition between the manufactories of America and England does not depend, as I believe, upon our refusal to adulterate, but rather upon the question whether we can supply cottons of different grades more cheaply than the English.

Establishment

Establishment of Cotton Mills in China.

I have asked the Consul General to report upon the project on foot at Shanghai for the establishment of a cotton goods factory. I am not disposed to believe that it is progressing favorably, but I have no doubt that mills will be established, sooner or later, and that the result will be a serious blow to the foreign trade. Chinese hand made cottons run a close competition with foreign goods and the greater cheapness of manufacturing by machinery will, of course, tell in favor of the native manufacturing interest.

It is to be remembered that

that there is a duty upon imported cottons, and that taxes of various kinds are levied upon them after importation. The native manufacturing interest will be protected, therefore, in a more or less marked degree.

Cotton mills have been successful in India, when protected to the extent of a 5% tariff only, and there is a possibility that they will be sustained, notwithstanding the abandonment of the duty.

There is no great market in China for fine cottons. Such demand as there is will continue to be met by importations from Europe and America for the reason

reason that the cotton of China has a short staple, and that it will be cheaper to import the manufactured article than to manufacture it from imported materials.

Direct shipments to North China are not likely to be undertaken. Shanghai now receives nearly the whole quantity of cottons imported into China, and they are distributed thence to the central and northern regions of the Empire, and, measurably, to Japan. As the largest market, it is the one selected by sellers and buyers. It has, moreover, great advantage in the fact that a great quantity of merchandise

other

other than cotton goods finds a distributing market there, and that it is a large exporting place. There is an average of nearly one ship or steamer departure each day for Europe, and a corresponding number of arrivals. Freights will always rule much lower to such a point, than upon an entirely exceptional route as that to South China direct would be.

The future of the trade.

The best augury for the future of the cotton goods trade in China will be found in the fact that it is already large and is increasing. Abundant evidence is thus afforded

afforded that we can compete successfully with other countries. A very narrow range of profit satisfies manufacturers and merchants at the present day; and the tide of change once set in, there appears every reason to believe that the causes which have operated so far will continue and will effect a still greater change.

The trade in this region of China especially would appear to promise well. There has been a succession of years of famine and disaster, but the condition of the country is rapidly improving now, and this fact should be reflected in

in the course of trade in cottons and in other articles.

It is much to be hoped that the negotiations now going forward between the foreign Representatives in this Capital and the Chinese Government, intended to place foreign imports in a more secure position, will be successful, for Mr. Hemmy is entirely right in his statement that the greatest obstacle to the development of trade is the existing irregular and heavy taxation imposed upon all foreign goods.

I have the honor to be, Sir, Your obedient servant.

Geo. F. Seward

Enclosure.

Enclosure.

Mr. Fleming to Mr. Seward.

No. 34. January 26th, 1880.

Duplicate

Despatch No. 583.
Enclosure.

No. 34]. Jan. 26th 1880. United States Consulate at Tientsin,

Mr. Denny Consul. to the Legation at Peking,

Subject:— Trade in Cotton Goods.

ABSTRACT OF CONTENTS.

Present state and future prospects of the Trade in Cotton goods at this Port. Increasing demand for American Cottons in preference to English; Causes for this, and opportunities now offered to American Manufacturers, who should be careful not to forfeit the good opinion now rapidly growing in this market.

Duplicate.

No. 34

United States Consulate.

Tientsin, Jan 26th 1880.

Honorable G. F. Seward
U.S. Minister
&c. &c. &c.
Peking.

Sir,

In complying with the request Contained in your despatch No. 71 Concerning the trade in American Cotton goods, you will observe that I have not set forth in detail this branch of Trade with this Port with that minuteness which is necessary at almost all other Ports in the East, for the reason that Tientsin, although one of the largest consuming Ports in China for Foreign manufactures, receives nearly, or quite all of its stock of supplies direct from Shanghai. that Port is the destination of all imports constituting the Northern trade, and hence all goods bound for the North must be reshipped for Tientsin.

This

This being true, the imports as well as exports to and from the North, should be contained in the Consul Generals report as a part of the trade with the port of Shanghai. I will, therefore, only make some comparative statements for the purpose of showing the increase of trade with this port during the last three years in Cotton piece goods, what portion is with the United States, and how that trade may be still further increased.

During the war of the rebellion, our dealers in Cotton piece goods, who had controlled this valuable trade prior and up to this time, were on account of this war and the consequent scarcity of Cotton, compelled to abandon it for the time being, leaving their Competitors, the English, in complete possession of this market, and had the

English

English merchants been content with fair profits and a rapidly increasing trade, they would hardly to-day be subjected to any serious competition from any source whatever. But they were not. They desired to make their already enormous profits still greater, and to do this began the adulteration of their goods. The result was that while they realized immense profits for the time being, yet it was at the expense of their reputation as merchants, and at the same time opened the door to that competition, which has already cost them so much, and which is destined to cost them still more in the future of this trade.

The following table will show the course of the Tientsin and Chefoo trade in Cottons for the last three years. The English and

American

American merchants being the principal contestants for the Cotton trade in the East, the comparisons are confined to them alone.

Import of Cotton piece goods at the port of Tientsin.

	1877		1878		1879	
	American	English	American	English	American	English
Drills, pieces	90,500	120,005	113.589	61.662	259.770	145.930
Sheetings "	144.786	40.077	187.105	20.045	410.392	36.445
Jeans "	24.414	98.960	26.575	30.010	27.070	61.832
	259.700	259.042	327.269	111.717	697.232	244.207
	Total American Import Same as English		Total American Import 3 times greater than English		Total American Import 3 times greater than Eng	

At the port of Chefoo the Customs records do not furnish the required data as given above; but the rate of increase in the Import of American Drills and Sheetings over English is about the same as at Tientsin, namely, three times greater during 1878 & 1879.

The

The Import of American goods at Chefoo was, in

		Drills	Sheetings
1878	pieces	58.165	59.957
1879 9 months to Sept. 30.	"	55.885	73.032

While this increase of trade with the United States, especially for the years 1878 & 9, should be gratifying to the American Manufacturer, yet it is not what it should and would be were it not for the burdensome and illegal taxation to which it is now being subjected. Again, as this is the port of distribution for a very large tract of Country, containing in the neighborhood of sixty millions of people, and as more than one third of all the piece goods shipped to China are distributed through this port, it would be a great saving to both Merchant and Consumer if

if that portion of this trade supplied by the United States could be shipped direct from New York to Chefoo and Tientsin, thereby avoiding the payment at Shanghai of tonnage, wharfage, storage and commission dues equal at least to the freight from the home port to Shanghai. In addition to this, by direct shipment the heavy charges of coast freight, amounting to fifteen dollars a ton at some seasons of the year, would be saved. The freight would be no more from New York to Chefoo, than from the former port to Shanghai. Then again, at Chefoo the ship would have no pilotage or tonnage dues to pay, while at Shanghai she has both. Vessels might be employed carrying five or six hundred tons, which would not draw more than ten or eleven feet of water, and could come

direct

direct to Tientsin. Such vessels might be induced to make Tientsin their port of destination for a small advance on freights now paid to Shanghai, as the pilotage and towage is greater from Taku to Tientsin than it is from Woosung to Shanghai. These are questions which must sooner or later enter into the carrying trade with this port.

While the profits of the American merchants in piece goods are, indeed small, yet by producing a superior quality of such goods, they are establishing their trade upon a basis which will eventually challenge all serious competition; even now that economy which purchases the best article as the cheapest in the end, is rapidly gaining the confidence of the Chinese, as may be seen in the growing demand for American drills.

Foreign

Foreign goods are bought and sold by the Chinese by weight, as well as measurement, just as native goods are bought and sold, and hence the quality is judged in a great measure by their weight. American drills weigh just as much after washing as they did before, but not so with the English, for there is a very perceptible difference in their appearance as well as in weight after washing. It is this difference which speaks so forcibly in favor of the American Cottons; and so long as the American manufacturers continue to pursue their present course, the confidence already established in their goods will continue to grow. I am aware that this view of the case is not shared by everyone. In a recent report made by one of H.B.M's Consuls in China he gives utterance to his opinion upon this

this subject in the following language:
"American manufacturers have as yet,
steadily set their faces against sizing, facing
and other abominations, but they do not know
the Eastern market yet, and if the trade in
honest Cottons does not show better results
in the future than it has in the past, they
must eventually have to suit their stuffs
to the prices Chinese will pay or take their
goods to another market." Perhaps the
Consul cannot be blamed for the utterance
of this opinion, as it is expressed in the
interest of the British merchant. At the
same time, I should deeply regret to see
American merchants act upon it, for the very
day they begin the adulteration of their cloths,
that day will begin their decline, which will
continue until they are driven from this
market, and the reasons are obvious.

The

The United States produce the best quality of Cotton in the world; with skilled labor and machinery equal to the best, as a legitimate result, her Cloths should be superior; While the English merchant mixes with the Cotton he receives from the United States, a cheaper and much inferior Cotton imported from India and elsewhere, with good sizing, and with skilled labor and machinery equal to any, he can produce an inferior quality of goods cheaper than the U.S. manufacturer can. Hence the only safety for this branch of American trade with China is to force competition for the best quality of Cotton goods. Neither have the American merchants anything to fear from the manufacture of Cotton goods in China out of native Cotton

cotton with foreign looms and operatives, for the texture of Chinese cotton being coarser and shorter of fibre than that grown in the United States, the cloths are bound to be coarser and of an inferior quality, being in fact only a somewhat finer quality to that now produced from native looms, and hence it can never satisfy the demand which is being created here for the finer American drills. I am induced to make these observations because of the fact that some uneasiness has been manifested on the part of our merchants, through the home papers, on this subject, owing perhaps to the efforts which are now being made to erect Cotton mills at Shanghai for the manufacture of Cotton cloths from native Cotton. The more intelligent opinion

is

is, that in the event such mills are established in China, their opposition will be to the native producer rather than otherwise.

It is not the competition of the English, German or native merchant that the American merchants in Cotton fabrics have to fear in their efforts to establish a trade in the future with China which will be permanent, and which will be alike beneficial to consumer and producer, but it is the illegal Transit and heavy taxes by which all Foreign imports are now being dwarfed and oppressed.

I am,

Sir,

Your obedient servant.

O. N. Denny

Consul

Report of Dispatches No. 16. April 17. 1880. Acknowledged April 22

Letter to Holcombe Dec. 30. Copy Sept what was done during Mr. Williams' absence.

E. P. Wade

No. 1584.

Legation of the United States.

Peking, February 3d, 1880.

George F. Seward to the Secretary of State.

Subject.

Mr. Holcombe's request for leave of absence.

Synopsis.

Advises that the request be granted, and asks instruction as to filling the temporary vacancy.

No. 584.

Legation of the United States.

Peking, February 3rd, 1880.

Honorable William M. Evarts,

Secretary of State.

Sir:

Mr. Holcombe, the Secretary and Interpreter of this Legation, is applying to you by this mail for a leave of absence. He shows that he is entitled to receive it, and I hope that you may grant it.

I believe that a Secretary on leave is held to be entitled to receive his pay for the period of his transits homeward

homeward and back and for sixty days while at home.

The question occurs at once, therefore, how a substitute officer may be compensated.

I believe that I can procure some one to act in Mr. Holcombe's place while he is away, if authorized by you to do so and to draw upon the Department to reimburse myself for the outlay. The expenses might be less than the rate of Mr. Holcombe's own salary ($5,000 a year) but as a substitute would probably have to come from one of the ports, would be at inconvenience

in

in leaving his proper work, and at some extraordinary expenses consequent upon the change, it is not safe to expect to procure a person for the place at a less rate than $5,000 a year.

It will be very embarrassing indeed if Mr. Holcombe's leave is granted, and full instructions are not given in regard to the appointment and pay of his substitute. I beg leave therefore to ask the very careful attention of the Department to the matter.

I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Seward.

Bureau of Accts

Trade

No. 585. One Enclosure.

Legation of the United States.

Peking, February 4th, 1880.

DEPARTMENT OF STATE
APR 2 1880
RECEIVED

George F. Seward to the Secretary of State.

Subject.

Statement of salary account.

Synopsis.

Forwards statement for the quarter ended December 31st, 1879.

Read April 6. 1880.
JM

No. 585. One Enclosure.

Legation of the United States.

Peking, February 4th, 1880.

Honorable William M. Evarts,

Secretary of State.

Sir:

I have the honor to hand to you, herewith, a statement of my salary account for the quarter ended December 31st, 1879. 585.

A duplicate will be forwarded by the following mail.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

a

Enclosure.

Enclosure.

1. Statement of salary account for the quarter ended December 31st, 1879.

May 1 - 1880
Mr. Hayward

Approve Mr's course & commend his letter to Prince Kung as discreet & dignified. C. P.
Made

No. 586. One Enclosure.

Legation of the United States.
Peking, February 6th, 1880.

DEPARTMENT OF STATE
APR 26 1880
RECEIVED

George F. Seward to the Secretary of State.

PRINTED FOREIGN RELATIONS 1880

Subject.

Ch'ung Hou's case. Action taken by foreign Representatives.

Synopsis.

The life of Ch'ung How seeming to be in danger, the foreign Ministers excepting the Russian, have addressed the Foreign Office upon the subject.

No. 586. One Enclosure.

Legation of the United States.

Peking, February 6th, 1880.

Honorable William M. Evarts.

Secretary of State,

Sir:—

During the last few days public report has indicated that the late Ambassador to Russia is really in serious danger of losing his life, and that the Memorials to the Throne in regard to his matter and the Russian Treaty have indicated a spirit of much hostility to foreigners at large and outside of resentment against the Russians

in

in particular.

My colleagues and I have considered the situation as thus described, and while very much in the dark as to the actual facts, we have felt that we cannot stand silent when what appears to be a grave outrage is on the eve of being perpetrated. We entertain no doubt whatever that the late Ambassador did his duty to the best of his ability, and that his return to China was nothing more than the natural consequence of the completion of his work. We know positively that a large part of his work was approved in

in advance of the close of his negotiations, and that his return could have been prevented if there had, at the moment, existed at the Tsung li Yamên dissatisfaction with his Treaty or a belief that the public interest required him to remain at his post.

The circumstances, then, all point to the proposition that the late Ambassador is being sacrificed because of the cry raised against him by officials who have no responsibility in foreign affairs, who know the least in the world about them, and who, as a consequence, belong to the

reactionary

reactionary party. The circumstances and various intimations which reach us point as well to the proposition that, while the discussion as to the Kuldja Treaty had reference in the outset to its merits, they have lately taken a line which must be considered unfavorable to foreign interests at large.

My colleagues and I, the Russian Chargé d'Affaires of course excepted, in view of the considerations so stated, have decided to address to the Foreign Office communications intended to indicate that we are not regardless of what is passing, with a view, if possible, to save

the

the life of the late Ambassador, and to intimate that foreign Powers cannot disregard the question of humanity which is involved and the effect of this or other hostile demonstrations upon our general interests.

I enclose herewith a 1/586. copy of the letter which I am writing to Prince Kung. My colleagues for England, Germany, and France are sending in letters not identical with my own, but such as they have thought best suited to the occasion. Copies of their notes will be transmitted to you at a later moment.

I am free to confess that

that I have been actuated more by a desire to do my duty in a humanitarian point of view, than by considerations of danger to our interests, I believe that all the points advanced in my note are well taken, but I believe even more that a foreign Representative does not discharge his responsibility in such a country as this if he fails to do what he reasonably may to call a halt to barbarous ways. I believe that you and that every man in our land would have the right, if this matter of Chinese Hours should be carried to the extreme point, to ask whether

I

I had done what I could to save an innocent man from death.

But of course such interference subjects one to the danger of provoking resentment. It has been my effort therefore, to speak, as it were, from the standpoint of the effect which the action proposed by the Chinese will have upon our relations. They cannot complain at all when one keeps within this rule and speaks justly, and I believe that I have done so.

I respectfully ask your approval of the course which I have taken in this very difficult and delicate matter.

I

I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Seward.

Enclosure.

1. Hon. Seward to Prince Kung.
Informal. February 6th, 1880.

Despatch No. 586.
Enclosure.

Informal.
Mr. Seward to Prince Kung.
February 6th, 1880.

The undersigned is constrained to inform Y. I. H. that reports are current and have reached his ears indicating that the disposition of a large part of the high officials of this Capital toward the late Imperial Ambassador Chung How is very hostile, It would seem even that fears are entertained for his life.

Under any ordinary circumstances the undersigned, availing of his privilege as a foreign Minister, would apply to Y. I. H. for information but it must be supposed that Y. I. H. will not be prepared to make any statement whatever so long as the matter referred to is under the examination of your Government.

The undersigned has no alternative then but to point out to Y. I. H. in this way, the fact that the arrest

(and

and degradation of a high official for no other offense than that of having returned to his own country after the completion of a special mission abroad, will seem to his Government an extraordinary proceeding the more so when the expectation of the given officer to so return had been announced from the very beginning of his mission and had been declared to the foreign Legations by the Yamen itself at a moment which would indicate that he might have been stopped if it were desired that he should remain at his post.

The undersigned is aware that there may be other charges against the late Ambassador but his Government will not think it strange that in speaking of the matter the Undersigned should put forward with prominence the allegation made in two Imperial decrees and the only one which has been made public.

If it be true that dissatisfaction exists

exists with the late Ambassador in respect of the work done or left undone by him during his recent mission, neither will this appear in the eyes of his Government an adequate ground for extreme measures. It is not to be presumed that a high functionary has not acted to the best of his judgment and ability and with the disposition to do his duty.

The case is not without concern to foreign Governments when viewed from the one or the other standpoint. They have invited you to establish missions abroad because they have desired to avert the recurrence of difficulties and to draw more closely the bonds of friendship. But what high officer will care hereafter to go abroad when the duty before him is so perilous! What boldness or vigor can be expected of a Minister who has to direct his steps to avert not only disaster from his state but also disaster of the gravest sort from himself

himself. It is the interest of your Government and of ours that able and experienced men shall fill your missions, and so far as the procedure pursued in the course of the late Ambassador appears calculated to discredit such employment, so far it must be regretted by us.

The undersigned is not disposed either to pass by the fact that in recent years a better feeling has grown up between foreigners and the people of your Empire and that many of your officers have come to regard foreigners as actuated by generous sentiments, and a right regard to justice. What then will be the effect upon the growth of this sentiment of the extreme measures with the late Ambassador. Will it point every officer in the Empire to the proposition that a special danger attends the conduct of international relations, and that their only safety lies in unreasoning opposition to foreigners! Will it lead

lead the people to believe that the disasters which have befallen the Imperial Ambassador indicate a revival of the ancient hostility to foreigners. If so will not the conduct of international affairs become more difficult in every way? and occasions for complaint be multiplied?

The undersigned does not at all magnify the importance of this case. The officer in question has served his Government in distinguished ways and it must be presumed acceptably. The matter has importance in this view, but it has a broader importance in view of the fact that his service has been largely in the unfrequented field of foreign intercourse. It is one then of immediate significance for your people and for ours and it will be watched accordingly.

The Undersigned has hesitated to address Y. I. H. in regard to the matter, but his sense of duty to his own Government and his friendliness to

(yours

yours has left him no alternative but to do so. It remains only for him to express the hope that the considerations which he has put forward are receiving attention.

The Undersigned takes the occasion to express to Y. E. M. the assurances of his highest consideration.

(signed) George H. Seward.

Ack

Wadden

file

No. 587.

Legation of the United States.

Peking, February 6th, 1880.

George F. Seward to the Secretary of State.

Subject.

Mr. Bowles as Interpreter at Foochow.

Synopsis.

Mr. Bowles has informed Mr. Seward, unofficially, that Mr. He Lans has accepted him as Acting Interpreter.

No. 587.

Legation of the United States.

Peking, February 6th, 1880.

Honorable William M. Evarts,

Secretary of State,

Sir:—

I am informed by Mr. Cowles, unofficially, that he has assumed duty as Acting Interpreter at Foochow. I understand from this that Mr. de Lano has very sensibly concluded, as I pointed out to him in my despatch of December 6th, that the question in regard to his appointment is one to be decided by yourself, and that his rejection or reception of

Mr.

Mr. Bowles cannot, in any way, prejudice your judgment.

While expressing again the hope that your decision will be such as to sustain the importance and safety of the Interpreters,

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Brooks
4th

Act's approv
April 12. 1880.
Mr Cadwalader

Ack + approve -
C. F

made

No. 588. Three Enclosures.

Legation of the United States.

Peking, February 6th, 1880.

DEPARTMENT OF STATE
APR
2
1880
RECEIVED

George F. Seward

to

the Secretary of State.

Subject.

Attack upon Mr. Sites at Yen Ping.

Synopsis.

Mr. Seward forwards further correspondence had with Prince Kung upon this case, and a copy of his letter of instruction to Mr. Hee Lano.

No. 588. Three Enclosures.

Legation of the United States.

Peking, February 6th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I had the honor to transmit to you on the 28th ultimo (my despatch, No. 572.) Mr. Vle Lano's report of a cruel assault upon the Reverend Mr. Sites at Gen Ping in the province of Fukien, my note to Prince Kung on the subject, and my rejoinder to Mr. Vle Lano.

On the 31st ultimo, I received from the Prince a

letter

a letter in response to my own,
1/588. a copy of which I transmit herewith.

You will see upon reading it that the authorities at Yeh Ping have reported the case, alleging, in effect, that Mr. Sites brought the difficulty upon himself by using bad language to some boys who had been attracted by his presence, and by using a firearm. It is asserted that a native was wounded by the discharge of the firearm, and that he may die in consequence of his wound.

I hazard nothing in saying that the conduct attributed to Mr. Sites has no

other

other foundation than the desire of those concerned in the assault to shield themselves by raising a counter grievance.

The Foreign Office is never disposed to admit that they discredit the reports of their officers. And when we are met with a story sent up by them, so contrived as to bar our complaints, against which we can urge only the statements of the persons aggrieved on our side, the difficulty of securing justice is manifest.

It happens usually, however, that the stories so invented do not stand the test of examination, and that the

Foreign

Foreign Office may be brought to fil that they are provided for the occasion. They may make no admissions to us in such event, but it is always possible that they will visit a degree of condemnation upon the local officials, and that the result may prove, after all, beneficial to our interests.

2/588. In addressing myself to the Prince in response to his letter I have taken pains, of course, to be entirely courteous, and to raise no question as to his desire to do justice, but I have so turned the case as to indicate that we do not implicitly accept the statements made to him by the

the local officials, and that the action taken by them for the so called settlement of the matter cannot be considered well devised.

In addressing him I have held language also which implies that the question of the practical exclusion of our people from the cities of Yen Ping and Kien Ning is one which we do not regard with complacency, that the hostility thus shown has occasioned difficulties in the past, and must be regarded as the cause of the present difficulty.

I have not thought it necessary to defer my instructions

to

to Hon. ble Lans in view of the contents of the Prince's letter, but have sent to him my correspondence with the Prince, so that he may be accurately informed of what is passing here, and given my
3/588. views in detail as to the procedure which he should follow. Something must be left to his discretion, of course, in view of the distance and the peculiar phases of the case, but I think that I have written with sufficient exactness, and that he need have no difficulty in pursuing the course laid down by me whatever aspects of the matter may be developed.

I

I am without other information from Mr. le Lano than that sent forward with my despatch, number 572. I understand, however, that he has been using one of the missionaries as Interpreter. This fact may interfere with the course of his negotiations somewhat, and may prevent him from securing the best results.

I respectfully ask your approval of my action in this case.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Enclosure 4

Enclosures.

1. Prince King to Hon. Seward 12/1880. January 31st, 1880.
2. Hon. Seward in rejoinder. 14/1880. February 5th, 1880.
3. Hon. Seward to Hon. Hle Laus. No. 104. February 6th, 1880.

Despatch No. 588.
Inclosure 1.

12/1880.

Prince Kung, Chief Secretary of State for Foreign affairs, herewith makes a communication in reply.

Upon the 21st instant I had the honor to receive a despatch from Y. T. handing to me a statement made by Rev. Mr. Sites to your Consul at Foochow, of a very cruel attack made upon him by certain disorderly people at Yen Ping fu, and requesting me to instruct the Provincial authorities of Fukien to make a thorough inquiry into the facts of the attack upon Mr. Sites, and to do complete justice in the matter, and also to instruct them to take the necessary steps to secure to your countrymen the peaceful enjoyment of their right to visit the places in question, etc. etc.

With this despatch you inclosed

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a translation of Mr. Sites's statement.

Upon the 26th instant, I received a communication in this business from the Provincial authorities of Fukien covering a report from the Provincial Judge and the Intendant for the Board of Trade, which in turn enclosed the statement of the Prefect and District Magistrate of Yen Ping as follows:—

Upon the 11th of December, an American Missionary named Sites arrived at Yen Ping and sold books and distributed tracts in all parts of the city. He wished to hold service in a book shop outside the Little Water Gate of the city, but the populace were unwilling. Thereupon the local authorities directed the literati to keep a rigid control over the populace and not allow them to create disturbance. Unexpectedly upon the 14th

14th December, the missionary Sites held service in the book shop in question, and the children of the neighborhood, hearing the noise, were frightened and went to see about it, whereupon Mr. Sites from within cursed them, and discharged a foreign weapon. It happened that a resident of the Hsing Hua District, named Chên Kuei was passing at the moment, and was wounded in the right arm. The populace hearing of this went to the District Magistrate's Yamen and made complaint. Arriving at the Lu Chu Ling they met Mr. Sites who also wished to go the Magistrate's Yamen. The street at that point being narrow, and many loose stones lying about, Mr. Sites was overborne and thrown down by the crowd, and wounded in his left eyelid. The local authorities upon being informed went en masse to the spot, dispersed the populace, and directed the police to assist Mr.

Sites

Sites to return to the bookshop. Thereafter they sent a deputy with a guard to escort him back to Foochow and also the converts Tong Kwan ung and others who wished to return to that city. The local authorities examined the furniture of the bookshop in company with the native converts and sent a guard, and directed the local police to keep watch that nothing be lost. The family of Chen Kwei have stated weeping that he is seriously wounded in the right arm, and they cannot say whether he will live or die, and they seek redress. The Board of Trade thereupon addressed Mr. Consul De-Lano, requesting him to inquire of Mr. Sites why, upon his passport, he ventured to hold public service, and in the midst of that service he dared to discharge a weapon, thereby wounding a man. And they also instructed the local authorities to investigate the riot, and to deal (with

with the leaders of it. Thereafter they received a response from Mr. DeLano, simply requesting that a proclamation be issued for the populace, and that the rioters be arrested and punished, and not even mentioning the discharge of a weapon by Mr. Sites. In addition to sending a deputy to Yen Ping to concert measures for the settlement of the case, they report as above.

In this business the Fukien Provincial Authorities have sent a deputy to the spot to act with the local authorities in examining into the riot, and dealing with its leaders. In reference to the conduct of Mr. Sites in using foul language and swearing in the midst of his worship, and in discharging a weapon and wounding a man, it must be the duty of Y. E. to instruct Mr. Consul DeLano to take action in accordance with the treaty.

I have directed the Provincial Authorities to cause the local officials

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to inquire fully into the case, and to take action in order that the converts and the populace may be at peace. And I also send these details for Y. E's information.

H. E. George F. Seward.
etc— etc— etc— etc.

Peking, January 31st, 1880.

Despatch No. 588.
Inclosure 2.

14/1880.

Mr. Seward to Prince Kung.

February 5th, 1880.

I have had the honor to receive the note which Y.I.H. has addressed to me under date of the 31st ultimo in regard to the assault upon my countryman Mr. Sites at Yen Ping in the province of Fuhkien.

I learn from it that the authorities of Yen Ping state that the disturbance during which Mr. Sites was injured had its origin in abusive language addressed by him to some boys and in his use of a firearm by which a resident of the Hsing Hua District was wounded in the arm. I learn from it also that this man may die of his wound.

It was the duty of the local authorities after the occurrence of a disturbance in which it is alleged that a foreigner and a native were gravely injured to examine witnesses and to

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make a careful record of their evidence, It was equally their duty, as the case is of an international character, to report all the facts to Y. I. M.

As Y. I. M. has requested me to send instructions to the U. S. Consul at Foochow I ought to receive from you a full transcript of the information which has reached you in order that I may determine after examining it the nature of the instructions which I should send to the officer in question.

Y. I. M. is aware that factions of the people in Yen Ping & Kienning have persisted for many years in acting in a hostile way toward foreigners. More than one difficulty has occurred in those cities. I am informed that no foreigner ventures now to enter Kienning, and that those who on rare occasions go to Yen Ping feel no assurance that they will be protected from violence.

Y. I. M. will not need any

comments

comments from me upon this state of things to appreciate that it is not without significance in this case.

Mr. Sites is a man of advanced years, who has lived in China for a very long time. His life has been open to the observation of all persons, both natives & foreigners and has been blameless. His avocation in the language of the treaty, is "to teach men to do good, and to do to others "as they would be done by". If nevertheless he went to Yen Ping and regardless of the dignity of his profession, of the safety of others, and of his own safety, reviled the people and discharged among them a firearm he may be prosecuted and punished. Upon a presentation of facts showing reasonable ground for complaint, the trial will be held in open court, in presence of your officials and of so many of your people as may be conveniently admitted.

Y. I. It will not fail to see that-

that the procedure so indicated will serve all the ends of justice.

I must confess to Y. E. Ht. that I cannot regard with equal favor the procedure already inaugurated at Foochow by your authorities. Your despatch sets forth that they have sent a deputy to Yenping to act with the local authorities in examining into the facts and dealing with the rioters. But will the deputy hold a court there in which Mr. Sites and his witnesses may appear? Who again is the deputy so sent? Is he an officer charged by Imperial Commission with the performance of judicial work? Is he the superior of the local authorities? Will he be bold enough to do his duty?

It would seem to me that looking to the persistent unfriendliness shown to foreigners at Yenping & Kienning, and to the grave allegations advanced in this case some other procedure than that described is called for. It would

(seem

seem to me also that the time has arrived when Y. I. H. should consider seriously whether the people of those cities are to be allowed to disregard longer the provisions of the treaties.

Upon receipt of the transcript called for, I shall examine it and take such action as the circumstances may demand.

I seize the occasion to renew to Y. I. H. etc etc.

(Signed) George F. Seward.

Despatch No. 588.
Enclosure 3.

Mr. Seward to Mr. De Lano.
No. January 1880.

Sir:—

I have the honor to refer to your despatch No. 146 and to my No. and to hand to you herewith a note which I addressed to the Tsung li Yamen on the receipt of your letter, one which I have received in response and my rejoinder to it.

I am disposed to deal with the attack on Mr. Sites as the natural result of the long continued and unchecked hostility of a faction in Yen Ping. A similar faction exists at Kiuning, and no peace can be expected by foreigners resorting to either place until the people of those towns have been made to understand that their Government sustains the right of foreigners in this respect.

The settlement of Mr. Sites case may be so directed as, I believe, to bring about a better condition of things

things.

In order to carry out this programme it is desirable for you to go there to gather all the evidence obtainable regarding the assault upon Mr. Sites including that of his servants and of the various persons attached to the station at Yen Ping, and to transmit it to the Viceroy not necessarily at one time but as it comes to hand. It is desirable also for you to draw together the salient facts, in the form of evidence if possible, in regard to the exclusion of foreigners from the two cities, to transmit this also to the Viceroy and to point out to him that the attack upon Mr. Sites was directly due to the hostile feeling so indicated, and that no settlement of his case will be considered satisfactory which does not assure us that our treaty rights will be respected in those places as elsewhere.

There will be no occasion for urgent language. All your representations

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can be put forward without any loss of force or pertinency.

You will have to judge for yourself whether to adhere to your request that the Yenping offenders shall be brought to Foochow for trial. There is a certain incongruity in conducting the trial at Yenping for the officials are themselves in large part responsible for the trouble and it may be inconvenient to send the witnesses there. On the other hand you cannot well press the point if the Viceroy says that there are administrative difficulties in the way. In such case it will be wise probably to retire your request and to ask thereafter only that such steps shall be taken as the interests of justice require.

Your other request that the use to be made of the chapel shall be declared by the authorities, may be sunk perhaps in the larger demand that the treaty rights of our people shall be respected.

It is essential to the right management

management of the case that you should send to me all documents and correspondence promptly and in complete form, I can use these with the Government to indicate the progress of the business, pointing out from time to time how far the action of the local authorities is in the right direction or how far unsatisfactory, and securing instructions to them calculated to strengthen your hands.

Be so good as to lay this despatch and its several inclosures before Mr. Sites, and such of his colleagues as may take an interest in the case.

I am, Sir etc,

(Signed) George F. Seward.

Rec'd Apr 26 1880
Mr. Hayward

The Dept regards the efforts of the foreign representatives in this matter, as warranted by the dictates of humanity, and regrets that subsequent advices brought by Min's No 618 show them to have been ineffectual C.P.

No. 589. Three Enclosures.

DEPARTMENT OF STATE
APR 26 1880
RECEIVED

Legation of the United States.

Peking, February 9th, 1880.

George F. Seward to the Secretary of State.

Subject.

Notes sent to Prince Kung in the case of Ichung How.

Synopsis.

Mr. Seward forwards copies of the notes sent by the British and German Ministers, and the French Chargé d'Affaires.

No. 589. Three Enclosures.

Legation of the United States.

Peking, February 9th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to hand 1./2/3./589.
to you, herewith, copies of the
notes addressed to the Foreign
Office in regard to the case
of Chung Hou, by Sir Thomas
Wade, the Minister for England,
Mr. von Brandt, the Minister for
Germany, and Mr. Paternotre,
the Chargé d'Affaires for
France.

My own letter was
transmitted

transmitted to you with my despatch, number 586.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Enclosures.

1. Sir Thomas Wade to Prince Kung. Unofficial. February 6th, 1880.
2. Mr. von Brandt to Prince Kung Unofficial February 6th, 1880.
3. Mr. Paternotre to Prince Kung. Unofficial. February 6th, 1880.

Despatch No. 589.
Enclosure 1.

Peking, 6th February, 1880.

The Undersigned presents his compliments to the Prince of Kung and the Ministers of the Tsung li-Yamen.

It is with much delicacy that the Undersigned approaches the subject on which he is about to speak. He feels at the same time that it is impossible for him to be silent. Every nation is free to act in the government of its own subjects, according to its own laws, and the Undersigned would be the last to contest the independence of China, and the consequent freedom of her Government in any matter that belongs to its domestic administration. Even in respect of domestic questions, however, where a course of proceeding was being pursued that appeared to him calculated to shock public feeling abroad, a foreign representative

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would be but doing his duty if he drew the attention of the Government concerned to the fact. Should the proceeding in question seem to him to have a bearing more or less adverse upon foreign relations, it would be even more incumbent upon him not to hold his peace.

By a Decree of the 2d of January, it was proclaimed to the Empire that the late Ambassador to Russia, who was known some months before to have concluded a Treaty with that Power, was deprived of his office as Senior Censor for returning to Court without the Emperor's permission. The Board of Civil office was to consider what penalty he deserved for the offence. His Treaty was at the same time refered to a High Committee Extraordinary.

On the 24th January a second Decree was published announcing that the Board of Civil Office had sentenced the late Ambassador to loss of rank,

(but

but that this was an insufficient penalty for so grave an offence. It was ordained, accordingly, that he should be committed for trial to the Board of Punishments.

In foreign countries, an agent returning home after completing the negotiations in which he had been specially commissioned to engage, would possibly not be thought to have committed a very grave offence; if indeed any offence at all. But on this point the Undersigned does not propose to dwell. What is important - is this, that while the offence indicated in the Imperial Decree is simply the Minister's unauthorized return to China, a rumour prevails that his negotiations with Russia have been made the subject of grave charges against him; and that on these, according to the general report, he is to be punished with the utmost severity.

It is in the recollection of the

(Undersigned)

Undersigned that when in 1858 a Chinese Minister, for returning from Tientsin to Peking without permission was put to death, his punishment was universally reprobated abroad, and if in now punishing its Envoy, be it for his return to China without authority, or for his negotiation of an unsatisfactory treaty, the Imperial Government were to go the same length, the Undersigned is certain that its act would be severely condemned, not by the British Government alone, but by every Government in the Western World.

The establishment of Chinese missions abroad has been accepted by foreign Governments as a omen of improvement in their relations with China. The punishment of a Minister for negotiation of a Treaty which the Chinese Government finds it inexpedient to approve, as if he had been guilty of a criminal offence, while it must discourage the high officers of

China

China from acceptance of Missions abroad, will not fail on the other hand to disappoint those hopes of improved relations which the foreign Governments have begun to entertain.

In a recent interview with the Ministers of the Yamen, the Undersigned took upon himself to state his apprehension of the consequences that might attend the infliction of severe punishment in the case of the Imperial Envoy. He repeats his opinion now only in the interest of China, and he will be well pleased to find that His Imperial Highness and Their Excellencies do not regard his intervention as officious.

(Signed) Thomas Francis Wade.

Despatch No. 589.
Enclosure 2.

To The Prince and the Ministers of the Yamen.

Peking, February 6th, 1880.

In all countries which entertain diplomatic relations with foreign nations, certain social relations have sprung up between the foreign representatives on the one side and the high officials of the Government on the other, relations which are generally considered very advantageous as facilitating the exchange of views and opinions without having to give them an official form.

In China nothing similar exists. I had therefore to choose between a formal conference and a written communication and I have chosen the latter because I supposed that Y. I. H. and Y. E. also would prefer to be able to preserve any communication in the form in which it was made by

(myself

myself.

In judging the events which during the last few weeks have excited so much attention among the official classes at Peking, I have been obliged to confine myself exclusively to a few facts published officially and the rumours circulating among the general public.

I would not be willing to attach too much importance to these latter, but it will hardly be anything new to Y. I. H. and Y. E. if I draw your attention to the fact that, according to these rumours among the memorials presented lately many are said to treat the questions now pending in a way decidedly hostile to foreign relations.

Y. I. H. and Y. E. are aware of my views as to the relations between Germany and China. You know that I have always stated that Germany had every interest to see China powerful and happy

happy and the words which H. M. the Emperor and King, my most gracious Soverign, has addressed only a short time ago to the Chinese Representatives accredited with him, will have proved to Y. I. H. that what I have so often repeated is not only the expression of my own personal feelings.

But, and Y. I. H. and Y. E. will oblige me by being convinced of the sincerety of my words, the continuation of these friendly feelings is dependent upon the maintenance and development of the relations of China with the outer world in the spirit of the now existing treaties. Any attempt by a party or by individuals to shake these relations, I could therefore only consider with the greatest regret and apprehension.

I doubt not that the wisdom of Their Majesties the Empresses Regents will succeed in avoiding the difficulties which are likely

(to

to arise from a prolongation of the present situation and I request Y. I. H. and Y. E. to see in this letter nothing but the expression of my desire to be able to contribute to the maintenance and development of the friendly relations now existing between China and the treaty powers.

I avail etc. etc. etc.

(signed) Brandt.

Despatch No. 589.
Enclosure 3.

Le Chargé d'Affaires de France à
S. A. I. Mgr. le Pe Kung, et à Leurs
Excellences Messieurs les Membres
du Tsong li Yamên,

Depuis que des relations
régulières se sont établies entre nous
et la China, notre constant espoir
a toujours été de voir se resserrer
et s'affermir les liens d'amitié qui
existent actuellement entre le Céleste
Empire et les Puissances Occidentales.
En admettant comme elle l'a fait,
dans ces dernières années, le principe
de réciprocité en matière de représentation
diplomatique, la cour de Péking
semblait s'être placée au même
point de vue et avoir compris les
avantages d'une entente plus intime
avec des Gouvernements qui, tout en
obéissant aux principes d'une
civilization différente, n'ont jamais
manqué de témoigner leur sympathies

Pour

pour la Dynastie des Tsing. Nous nous étions plu, de notre côté, à considérer la présence d'Envoyés Chinois dans les principales capitales de l'Europe comme un gage de ces dispositions favorables, et l'accueil empressé fait, en toutes circonstances, aux Ambassadeurs de S. M. I. est une preuve suffisante que les Puissances ne se sont point montrées insensibles à cette marque de bon vouloir.

Il nous était permis d'espérer que quelques-uns des hauts fonctionnaires que la Cour Impériale avait jugés dignes d'assez de confiance pour représenter leur pays à l'étranger, pourraient être appelés un jour à faire partie des Conseils de l'Empire, et qu'après avoir contribué à mieux faire connaître la Chine aux Gouvernements Européens, ils pourraient plus tard contribuer à donner au Gouvernement Chinois une notion plus complète de l'Europe et travailler, dans un intérêt commun, à dissiper de regrettables

regrettables malentendus.

Les événements paraissent malheureusement démentir en partie ces espérances. Les divers personnages que la Cour de Pékin a, jusqu'ici, accrédités auprès des nations étrangers semblent devoir à leur retour, rester, pour une cause ou pour une autre, en dehors des affaires publiques et perdre ainsi l'occasion de mettre au service du Trône l'expérience acquise par leur séjour au dehors.

Les décrets insérés les 3 et 28 Janvier, dans la Gazette de Pékin, — si nous en avons bien compris la portée, et s'il faut tenir compte surtout des commentaires dont il sont l'objet, auraient pour effet de rendre plus précaire que jamais la situation des Représentants de la Chine, et de diminuer, par suite, leur autorité auprès des Gouvernements étrangers, au grand détriment des intérêts généraux qu'il sont appelés à sauvegarder. — Convaincu que rien n'est plus contraire

(aux

aux intentions du Gouvernement Impl.; j'ai cru de mon devoir de l'aviser de l'interprétation qui pourrait peut-être être donnée en Europe à des mesures dont la rumeur publique dénature certainement la signification, mais qui méritent, néanmoins de fixer notre attention.

V. A. I. et V. Exc. ne se méprendront pas sur la pensée toute amicale qui m'a dicté cette démarche, et je serais heureux qu'elles voulussent bien y voir une preuve nouvelle du sincère désir dont je suis animé de maintenir intacts les bons rapports qui unissent nos deux Gouvernements.

(signé) Patenotre.

Pékin, le 6 Février, 1880.

Translation.

The Chargé d'Affaires for France to H. I. H. the Prince of Kung and I. E. E. the Ministers of the Tsung-li Yamen.

Peking, 6th February, 1880.

Ever since the establishment of our relations with China it has been our constant hope that the bonds of friendship which actually exist between the Celestial Empire and Western Powers may be tightened and consolidated. The Court of Peking in admitting, as it has done in recent years, the principle of reciprocity in matters of diplomatic representation appeared to have put itself on the same footing and to have appreciated the advantages of a more intimate understanding with other Governments, and the latter, although governed by different principles of civilization, have never been wanting in their

(sympathy

sympathy for the Ta Tsing Dynasty.
On our side we were pleased to
regard the presence of Chinese Envoys
in the principal capitals of Europe
as a pledge of these favorable
dispositions, and the ready welcome
which has always been given to the
Ambassadors of H. I. M. by our
Governments, is sufficient proof
that they are not insensible to
this mark of goodwill on your side.

We were permitted to hope
that some of those high
functionaries, who have been deemed
sufficiently worthy of confidence, by
the Imperial Court, to represent their
country abroad, might some day
be called upon to take part in
the counsels of the Empire, and
that after helping Western
Governments to a better understanding
of China, they might later on
help to give to the Chinese
Government a more perfect knowledge
of Europe, and work to mutual
advantage

advantage in dissipating regrettable misconceptions.

Events which happen appear unfortunately, to a certain extent, to disappoint these hopes.

The various personages who have heretofore been accredited to foreign countries by the Court of Peking, for one reason or another, on their return, appear to be excluded from participating in public affairs and thus lose the opportunity of placing at the service of their Government the experience acquired by their residence abroad.

The Imperial Decrees published in the Peking Gazette of 3rd & 20th January last, — if we have understood their exact import, and if account must be taken of the comments of which they are the object, — would have the effect of rendering more precarious than ever the situation of Chinese Representatives and, — consequently, of weakening their

(authority

authority in the eyes of foreign Govts greatly to the prejudice of the general interests which they are called upon to protect. Being convinced that nothing is more contrary to the intentions of the Imperial Government, I have deemed it my duty to advise you of the interpretation which might perhaps be given in Europe to those measures, the signification of which has certainly been grosly misrepresented by public rumour, but which nevertheless deserve to attract our attention.

Y. I. H. and Y. E. E. will not misunderstand the feeling (altogether friendly) which prompts me to take this step, and I should be glad if you will see in it a new proof of the sincere desire that I have of maintaining intact the good relations of our two Governments.

(Signed) Patenotre

Ack.

fee

Made

No. 590. Two Enclosures.

Legation of the United States.

Peking, February 9th, 1880.

DEPARTMENT OF STATE
APR 26 1880
RECEIVED

George F. Seward to the Secretary of State.

Subject.

Form of correspondence between Consuls and High Chinese Officials.

Synopsis.

Mr. Seward encloses a copy of a despatch received from Mr. Consul Le Gendre upon this subject, and of his response.

No. 590. Two Enclosures.

Legation of the United States.

Peking, February 9th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to hand to you, herewith, a despatch, 1/590. number 149, which I have received from the Consul at Foochow, and the response 2/590. which I have addressed to him.

You will see that his despatch relates to the subject of the forms to be used in official correspondence with Chinese

Chinese officials, and that he raises the same objections to the forms now in use, which have been brought to the notice of the Foreign Office by the several foreign Representatives in this Capital. I beg leave to refer, in this connection, to my despatches, numbers 451. and 512.

I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Seward

Enclosures.

1. Hon. Hle Lans to Hon. Seward
No. 149. January 14th, 1880.
2. Hon. Seward to Hon. Hle Lans.
No. 105. February 9th, 1880.

Despatch No. 590.
Enclosure 1.

Mr. de Lano to Mr. Seward.
No: 129 January 14th, 1880.

Sir:—

I have for some time had it in mind to address you in regard to the Chinese terms employed by the Provincial officers at this port when writing to me to designate the nature or tenor of their despatches.

When addressing officials of higher rank than myself I do so in the form of a Memorial or Representation (shin chin) as is stipulated in Art. VII of the Treaty, and in replying they do so in the form of "Instruction" (cha 札)

It does not seem to me that Consuls are here to be instructed by Chinese officials, and the dignity of our positions is not enhanced by the employment of such terms in official correspondence.

I am not advised as to the terms employed at other ports, and am not aware that any treaties provide a term

(for

for use, but at all events this appears to me to be objectionable, and places us in a false position before the Chinese.

Would it not be possible for you, if you think the matter worthy of your attention, to arrange with the Yamen for the use of some other word by the High Officials in their correspondence with Consuls?

I have etc. etc,

(signed) W. W. Deland.

Despatch No. 590.
Enclosure 2.

Mr. Seward to Mr. DeLano.
No: 105. February 10th, 1880.

Sir:—

Recurring to your despatch No: 149, I beg leave to say that I am entirely of your opinion that the forms heretofore used in correspondence between you and the Superior Chinese Authorities at your port, are gravely objectionable. Looking to the facts however that the forms mentioned by you are prescribed by treaty, that a change can only be made here, and that the several foreign Ministers have already addressed themselves to the Tsung li Yamen on the subject it seems desirable for you to continue to use them for the present.

I am, etc. etc.

(Signed) George F. Seward.

for Act made

No. 591. One Enclosure.

Legation of the United States.

Peking, February 10th, 1880.

George F. Seward to

the Secretary of State.

RECEIVED. APR 26 1880 DEPARTMENT OF STATE

RECEIVED. DIPLOMATIC BUREAU 1880

Subject.

Trade grievances. Conference with the Foreign Office requested.

Synopsis.

The Ministers have decided to request a conference at an early moment. Mr. Seward feels the importance of arriving at some common understanding among the Ministers themselves as to the extent of

of the treaties before meeting the Chinese in conference, and suggests a proposition which might, in his opinion be placed before the Chinese Government.

No. 591. One Enclosure.

Legation of the United States.

Peking, February 10th/4, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:

I have the honor to inform you that the several Representatives of foreign Powers now present in this Capital have considered Prince Kung's response to the collective note of November 10th/4, and have agreed upon a second note asking that the request made in their earlier letter for a conference with the Ministers of the Yamen be granted at

No. 591.

at such early moment as may be convenient.

In writing to the Yamen we have indicated that the note of 10th November has been somewhat misunderstood by them, but we have not thought it necessary to speak with particularity upon the subject.

My despatch, number , will have shown you that I anticipated such an answer as we received, and that I pointed out the danger to my colleagues. For one reason and another they thought it inconvenient to move in such manner as to avoid this danger, and I yielded to them.

Your

You will remember that when the Conferences of September – November last indicated a considerable divergence of opinion among the several Representatives as to whether it is better to adhere to existing treaty stipulations, and, if not, as to the remedies which should be proposed, I suggested that we would do well to agree, first, upon a statement of grievances, and at a later moment return to the question of remedies, and that this view was assented to by the Conference.

Our statement of grievances made in pursuance of

of the conclusion thus taken has undoubtedly produced a great effect upon the Chinese. They have seen in it evidence of union among the foreign Representatives and they cannot feel entirely at ease in view of what must seem to them, and in fact is a formal declaration that they have not executed the treaties in a just way.

The primary object of a further conference with them will be to place before them proof of the facts alleged by us. It is necessary to do this for our own defense and in justice to them.

But

But right here there arises a certain danger. The Chinese will advance against us at once the declaration that they read the treaties differently from our reading, and, while admitting our facts, urge that they do not prove a breach of treaty in this or that direction.

For this attitude of the Chinese we must be prepared by reaching among ourselves, in advance, a thorough understanding as to the intent of the treaties. The statement of grievances was signed by all of us, and indicates a large measure of accord, but points will arise which may not be covered in this

way

way.

I have, therefore, urged upon my colleagues the wisdom of holding at once a further conference among ourselves, in order to settle our conclusions as to the intent of the treaties, and to prepare our work for the conferences with the Chinese. My colleagues have assented to the justice of my argument, but as yet we have held no meetings.

It is my intention when these meetings are called to bring forward the further proposition that the time has arrived when we should decide finally whether we will urge our Governments to hold fast to existing treaty & stipulations

stipulations, or to such a common standing ground with the Chinese in such modifications of the treaties as will more or less perfectly satisfy both sides.

My earlier despatches have shown that I am much indisposed to seek change of existing stipulations. It would appear to me, however, that the present moment is the most favorable one which we are likely to have, in which to enter upon the question, and that having emphasized our differences with the Chinese, we may well devote some time to the inquiry whether there is not

not some compromise to be found which will avert a controversy and secure a measure of advantage to all concerned.

To be more definite. The claim, for instance, that all imports may be subjected, only to an import duty of 5% about, and to transit duties when carried into the interior, which transit duties may be commuted by the payment of a half duty, or 2½%, in addition to the import duty. The Chinese claim that when our goods are in native hands they have the right to tax them as they see fit, and they do so. The advantage of a treaty tariff under

under such circumstances is very problematical indeed.

But the collection of duties upon our goods from Chinese is a matter of difficulty and expense. A large number of collectors must be sustained. They have to pitch upon the goods where they can find them, and in the midst of their difficulties and the difficulty of supervising them, all kinds of irregularities take place.

The ready means of averting the irregularities so indicated would seem to be in an agreement with the Chinese under which our goods would pay all duties on importation.

Our

Our merchants, however, say that, under such an agreement, they would pay an increased duty at once to their certain cost, and that the stipulated freedom of the goods from further taxation would be delusive.

This may be all true, but, nevertheless, the difficulties now met are so grave, and the chance of bringing about a better state of things under existing stipulations is so poor, that I am inclined to urge a trial of the remedy. This could be done by a Convention with the Chinese under which the new system would be put into effect for a period of, say, five years.

We

We should thus yield nothing of our view of the intent of the treaties as they stand, and should be in no worse position than at present in case the new system should fail. If it should succeed it would be of decided benefit to us and to the Chinese, and the principle could be extended to exports, which are also burdened with irregular taxes.

I shall place these views before my colleagues whenever we meet. If they accept them I shall, of course, advise you of the fact at once and request your instructions.

I

I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Seward

Enclosure.

1. Joint note to Prince Kung.
13/1880. February 2nd/4, 1880.

Despatch No. 591.
Enclosure.

13/1880.

Joint note to Prince Kung.

Peking, 2nd February, 1880.

The Undersigned have the honor to acknowledge receipt of the reply of the Prince of Kung and the Ministers of the Tsung li Yamen to the collective note regarding the taxation of foreign trade addressed to H. I. M. and I. E. & by the Representatives of the Treaty Powers upon the 10th November last.

In their collective note the writers expressed a hope that they might be enabled in an early conference to discuss with the Ministers of the Tsung li Yamen the various matters to which they had requested attention.

From the tenor of the reply now received, the Undersigned are under the impression that the note of the 10th November has been to a certain extent misunderstood.

In order therefore to remove

(any

any possible misconstruction of their motives in writing it, as well as to secure the object for which it was originally written, the Undersigned venture again to request that a time be named for a conference with the Yamên, and they trust that when the New Year festivities are concluded it may be in the power of the Ministers of the Yamên to meet them.

The Undersigned etc. etc.

Signed Thomas F. Wade.
" M. von Brandt.
" George F. Seward.
" A. Royander.
" Paternôtre

No. 592. One Enclosure.

Legation of the United States.

Peking, February 11th, 1880.

DEPARTMENT OF STATE
APR 26 1890
RECEIVED

George F. Seward to the Secretary of State.

Subject.

Legation rent account.

Synopsis.

Forwards a duplicate statement of the rent account of the Legation for the quarter ended December 31st, 1880.

FM

No. 592. One Enclosure.

Legation of the United States.

Peking, February 11th, 1880.

Honorable William M. Evarts.

Secretary of State,

Sir:—

Recurring to my despatch, number 570, I have the honor to transmit herewith a duplicate statement of the rent account of this Legation for the quarter ended December 31st, 1879. No. 592.

I have the honor to be,

Sir,

Your obedient servant,

George F. Seward.

Enclosure.

Enclosure.

1. Statement of the rent account of the Legation for the quarter ended December 31st, 1880.

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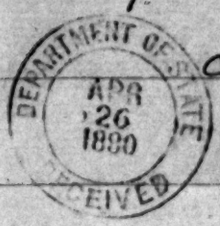
Mr Adee

No. 593. Two Enclosures.



Legation of the United States.
Peking, February 13th, 1890.

George F. Seward to
the Secretary of State.

Subject.

The assault upon Rev. Sites.

Synopsis.

Correspondence with Rev. Mr Sites.
Unfriendly feeling toward foreigners
in Fukien Province. The right
of missionaries to reside in the
interior of China.

No. 593. Two Enclosures.

Legation of the United States.

Peking, February 13th/4, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have the honor to hand to you, herewith, a further despatch, 1/593. number 148, which I have received from Mr. Hale Low, in reference to Mr. Sites' case, and my response. 2/593.

You will see that Mr. Hale Low indicates an opinion that a less favorable disposition toward the Missionaries has been engendered in his district by events

events which have recently occurred.

You will see also that the question of the right of missionaries to reside in the interior is raised in this despatch, and that I have responded indicating the answer which he should make to the authorities, if the point should be brought forward by them.

The missionaries of the Roman and other Churches are now established here and there all over the Empire. The former claim the right to reside in the interior under the French Treaty, and their

claim

claim has never been called in question. Under the circumstances this Government will not seriously demand that our missionaries must withdraw from the interior, and I think it better to leave the question in this condition, rather than to assert rights which if so granted would impose some heavy responsibilities upon us.

Mr. Hle Lano refers in his despatch to the allegation that Mr. Sites fired a gun during the Gen Ping disturbance, but he gives no particulars. I have again pointed out to him the propriety of sending

to

to me copies of all his correspondence with the local authorities.

I have the honor to be,

Sir,

Your obedient servant.

George F. Seward

Enclosures.

1. Hon. Hle Lano to Hon. Seward.
No. 148. January 2nd, 1880.
2. Hon. Seward to Hon. Hle Lano.
No. 106. February 10th, 1880.

Despatch No. 593.
Enclosure 1.

Mr. DeLong to Mr. Seward.
No. 148. January 2nd, 1880.

Sir,

Referring to my despatch No. 146. in regard to the assault upon the Rev. Mr. Sites at Yen Ping-foo. it seems proper, that I should acquaint you with certain things that have transpired here during the last few months which have not been without effect upon the Chinese mind, or which may even be said to have led up to a rancorous feeling of the Chinese towards foreigners, particularly those who are engaged in Missionary work.

First of all, the Wu-shih-shan case was so long pending that it created uneasiness and discontent in the minds of the people, and when it finally became known that the Missionaries were to vacate their property in pursuance of a judgement of the English Court, the effect became

at

at once apparent in the general
department of the people. The news
spread over the country for many leagues
from the city and, I am informed by the
missionaries, became the theme for
discussion amongst the Gentry and
literati in all places where the
Missionaries have established their
stations.

It is stated that while H. B.
M's minister was here, during the
Wu shih shan trial, he remarked
(and this in connection with the English
Church Mission's interests at Yenping)
that the acquiring of property for
missionary operations outside the
treaty ports was all wrong and
outside the treaty, and he did
not hesitate to tell the Chinese
Government officials so whenever an
opportunity offered. Added to this,
it is well known that both the
Minister and the resident British
Consul opposed the Missionaries
during the trial.

Soon

Soon after the judgment in the case was delivered, it was given out that the Provincial Authorities had permanently retained the Hongkong attorney who prosecuted the case, and directly afterwards it transpired that the High Officials had issued instructions to District Magistrates generally where missionary stations have been established to institute a system of inquiry as to the extent of the property acquired by the missions, and the tenure by which it is held. They were also instructed to report the number of native Christians at each station.

I am credibly informed that a considerable trouble has resulted from these inquiries in several localities and that in some places the Christians have been abused and punished for failing to produce the title papers for examination by the runners, and for refusing to pay them wine money, chair hire &c,

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The proceedings had in pursuance of these instructions seem to have strengthened the prejudices of the masses against foreigners and in several localities in the interior our missionaries have recently met with unusually rude treatment.

During my absence on leave last year the American M. E. Mission proposed to reconstruct their chapel at Yen Ping which you will remember was partially demolished by a mob in the autumn of 1873, and rebuilt or repaired by order of Ting Futai, whereupon the Gentry objected. Mr. Cheshire brought the matter to the notice of the Provincial officers and it was finally arranged, and the structure put in substantial condition. Later on the gentry interfered again, making a complaint to the local Authorities and alleging that a condition upon which they assented to the reconstruction of the chapel was, that it should not

(be

be used for Christian worship, but as a bookshop only.

The local officers wrote to the Provincial officers repeating the allegation, and the Provincial authorities repeated it in a communication to me, assuming that the mission had agreed to this condition and requesting me to instruct them to abide by it "in order that trouble might be avoided."

After consulting the missionaries and learning from them that this allegation of the gentry was without the slightest foundation in fact, I wrote to the authorities (on the 1st of Nov. last) that, as the building and premises was really the property of the mission, legitimately acquired, and had been used as a chapel and bookshop for more than ten years (one room in front being used for the latter purpose) and no change in its use had been suggested or agreed to, I could not undertake to enforce such restrictions as they had requested.

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I called their attention to the fact that the treaties accorded to Missionaries and native Christians the right to practice and propagate the Christian religion, that the right to acquire property in the interior, to carry on business had been accorded to foreign nationals, that under the "favored nation" clause of the treaty the right claimed by our missionaries could not be denied to them, and I therefore requested them to instruct the Yenping officials accordingly. I referred them to the condition at Kienning foo and asked them to take care that a like condition of things should not be established at Yenping.

You will observe upon referring to the printed copy of Mr. Sites's letter which I enclosed with my #. 146. that the yenping officers spoke of the question of the use to be made of the Chapel premises having been referred to Foochow and no decision

having

having yet been communicated to them. I have mentioned this to the officials here but they are silent on the subject. The Gov. General has replied to my representation which I alluded to in my No 146. but makes no reference whatever to the above mentioned question or to my proposition that Mr. Sites assailants be brought to Foochow for trail, but an attempt is being made to throw the onus of the affair upon Mr. Sites by accusing him of having fired upon the crowd from the Chapel and wounding a man.

In regard to a settlement of the matter, the Gov. General says he has instructed the "Trade Committee" to send a Wei Yuan up to enquire into the circumstances jointly with the Prefect & Magistrate who are to punish the offenders, and he requests me on the other hand, to punish Mr. Sites "for daring to fire the gun". To this latter proposition

proposition I have replied that if the native who is alleged to have been shot comes forward to prosecute, I shall be prepared to put Mr. Sites upon trial.

The Lor. General appears a friendly and amiable but in dealing with important cases he is trifling, stubborn and obstructive. He threats the Trade Committee to the fore as if relying on that body to manage all affairs in which foreigners are concerned, when it is well known that he in fact allows no steps to be taken by said body except in obedience to his orders. The fallacy of sending a Mandarin to Yen Ping to instruct and deal with the resident Taotai, Prefect and Magistrate will be apparent to you.

I conclude this rather lengthy communication with the remark, that the case appears to me one likely to be a long time in process

of

of settlement, and I trust I shall have early and full advice from you as to the terms you would have me exact, and the course generally which you would have me pursue.

I have etc,

(Signed) M. M. de Lano.

Despatch No. 593.
Enclosure 2.

Mr. Seward to Mr. De Long.
No. 106. February 10th, 1880.

Sir:—

I have had the honor to receive your despatch No. 148. in which you recite certain matters which, in your opinion, have tended to create feeling against the missionaries among the Chinese and refer to correspondence held by yourself and Mr. Cheshire with the local authorities in regard to the Methodist station at Yen Ting prior to the assault upon Mr Sites.

It would not be appropriate for me to express any opinion upon the We Shih Shan case, further than to say that all the facts point to the care which should be exercised by missionaries and officials in dealing with the questions arising from the operations of the class first mentioned.

As respects the right of

(missionaries

missionaries to hold property in the interior of China, I should say that it is not possible for us to conceal the fact that it does not come to us by our Treaty, and that our Government has never been disposed to claim the right under the "favored nation" clause. My own disposition is not to assert the right, but to meet all arguments raised in this connection by the Chinese with the simple question whether they are prepared to demand that our missionaries shall relenquish all the properties held by them away from the ports.

Your despatch does not appear to call for further comment from me, but I must again point out to you that I cannot consider myself entirely well informed about Mr. Sites' case in the absence of copies of all letters which have passed between you and the local authorities. Please be so good as to forward these as soon as you can do so conveniently.

I am, &c.,
(Signed) George F. Seward.

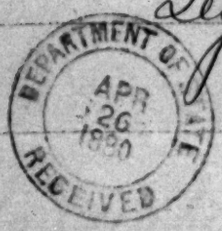
Ack

for

made

No. 594. Three Enclosures.

Legation of the United States.



Peking, February 14th, 1880.

George F. Seward

to

the Secretary of State

Subject.

Case of Lekin taxation at Foochow.

Synopsis.

Forwards details of a case as reported by Am. Consul Hale Laws of a levy of Lekin upon kerosine oil, with comments.

No. 594. Three Enclosures.

Legation of the United States.

Peking, February 14th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:

Some time since Mr. Hle Laus informed me that Messrs. Hedge & Company, American merchants of his port, had complained to him that 70 cases of kerosine oil, imported by them and sold to a native, had been seized and a levy of Lekin taxes imposed upon it. I at once wrote to him to send me the evidence upon which his

his statement was based, and
1/5.94 I have now received his report.

The facts of the case are shown in two letters addressed to him by Messrs. Hedge and Company, copies of which I enclose, and a copy of the
2/594. receipt for the taxes.

The Chinese authorities, in making the levy in question, have done only what they assert a right to do, that is to say, to tax foreign imports exactly as they see fit the moment they have passed into native hands.

The Government itself has laid down this principle in an unmistakable way in the Circular of 1878., which is in your hands, and

and in the response to the letter on trading grievances, of November 10th, which is also in your hands. It is an unjust and dangerous departure from the treaties, and the facts of this one case will show that it has only to be carried far enough to throttle trade as completely as may be wished.

In face of the attitude of the Chinese the inutility of any representation to them of an ordinary character is manifest. Fortunately, however, the questions involved are under discussion between the Chinese and the whole body of foreign Representatives.

Under

Under these circumstances
I have responded to Hon. Mr. Le Lacheur
3/394. as shown in the enclosed copy
of my letter to him, for which
I ask your approval.

I have the honor to be,
Sir,
Your obedient servant.
George F. Seward

Enclosures.

1. Hon. Mr. Le Lacheur to Hon. Seward
No. 142. December 17th, 1879.
2. Letrin tax receipt. (Translation)
3. Hon. Seward to Hon. Mr. Le Lacheur.
No. 103. February 3rd, 1880.

Despatch No. 594.
Enclosure 1.

Mr. DeLano to Mr. Seward.
No. 142. December 17th, 1869.

Sir:—

I have had the honor to receive your despatch No. 89. in which you asked me to send to you the evidence upon which I base my statement in regard to the levy of Lekin upon 70 cases of Kerosine oil sold by Messrs Wedge & Co. of this port.

Agreeably to your request I hand you herewith copies of two communications received from that firm on the subject, together with the Lekin receipt mentioned in their letter of October 9th. For some reason, which I am unable to explain, the number of cases named in the receipt is 60 instead of 70, but there can be no doubt of its embracing the oil in question, less 10 cases, for I called in person upon the Lekin Commissioner about the matter at the time and was told by him that the tax and fine

(had

had been paid and the oil and boatman had been released, He referred to a book which was brought to him, and named the amount paid, which I remember was the amount named in the receipt. The Commissioner informed me that there could be no departure from his instructions to collect Lekin in such cases unless the goods went under a transit pass. Since that time purchasers of oil have taken out transit passes when removing it across the river, that being the cheaper method.

As to differential levies upon poles etc, when shipped in foreign & native vessels, my attention was called to the subject by the Chairman of the Chamber of Commerce, to whom I have applied, since the receipt of your despatch, for proofs, but I am sorry to say that no tangible proof in the form of documents can be obtained for transmission. In fact the principal shippers mostly natives (and

and Singapore Chinese, some of whom have volunteered to give me information, say that the levies are constructively differential. That when poles for shipment pass the last barrier — the bridge off the settlement — it is then ascertained whether they are to be shipped in foreign or native vessels; if in the former they are carefully measured (causing unnecessary detention) and lekin levied according to the size and length, but if in native vessels they are simply counted, the tax arranged, and no detention occurs; and that the tax invariably averages higher on the same amount and quality of cargo for a foreign vessel than for a native. Moreover, that the export duty on a given cargo of poles shipped in a foreign vessel is considerably more than if shipped in native craft, it being in one case collected by the foreign Customs, and in the other by the native establishment.

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I am advised also that the Lekin tax upon this species of cargo is very irregular in amount, being increased (but rarely diminished) at pleasure by direction of the local officers, and that since the 1st of August last it has been increased more than two hundred percent.

If there was no other evidence to be adduced to support the theory of constructive discriminative levies of taxes and duties, sufficient would be found in the fact that there is now scarcely a foreign vessel found engaged in the coast trade, whereas, only a few years ago there were some hundreds plying between this and the more northern ports.

I have etc, etc,

(Signed) N. K. DeLano.

Messrs Hedge & Co to Mr. Delano

October 6th, 1879.

Sir:-

We have to bring to your notice that the Lekin officers have taken possession of 70 cases of Kerosine oil sold by us today for delivery to a native dealer on the other side of the river.

The oil in question was loaded in one of our hired native boats about 4 P. M. today and sent in charge of one of our Cantonese, and was followed from our godown by the Lekin runners and as soon as landed, was seized by them. One of the boatmen was also seized and is now in custody.

As the oil was delivered within what is considered the limits of the port, we trust you will be able to afford us relief by at once procuring the release of the oil and the boatman. To all intents, Lekin

(night

might as well have been levied at the door of our godown, and we fear serious obstruction to our trade if such proceedings are admissible.

We are, etc.

(Signed) Hedge & Co.

Messrs Hedge & Co to Mr. DeLano.

October 9th, 1879.

Sir:—

In relation to the 70 cases of oil, the seizure of which we complained of in our letter of the 6th instant we have now to report that the purchaser has been compelled by the local authorities to pay a Lekin duty, and an additional square on fine of some Tls. 13 upon the said oil, which at the date of the payment still remained at the place where we delivered it, or rather where the seizure was made, strictly within the limits of the port. In proof of this I enclose herewith the receipt given to him for both the tax and the so called fine.

In consequence of this imposition we have lost the sale of 400 cases, of which the same dealer was to have taken delivery at the same place, and of equally as much more which would

would have been taken from us by other dealers in the suburbs across the bridge. Knowing the terror in which the natives stand of the Lekin officials and runners, you will realize that such attacks — which are in fact blows aimed at our trade, will sadly cripple our business, we have to ask your exertions to prevent a repetition of such exactions, and to obtain redress if possible in the present instance.

We are, etc,

(Signed) Hedge & Co.

Despatch No. 594.
Enclosure 2.

Pass for merchandise.

The Nantai General Lekin Tax Office having been notified that the native shop Ting Hsing Lung desires to transport the merchandise mentioned below beyond the port upon which the Lekin duties amounting to Taëls 5,5968 have been paid, issues this pass to the merchants in question in order that the merchandise may be inspected at each tax station and passed without detention.

This amount is in addition to Taëls 13.992. levied upon the 8th October as a fine for attempting to smuggle the goods.

60 boxes Kerosine oil, weight 3003 catties.

Foochow, October 8th, 1879.

Despatch No. 594.
Inclosure 3.

Mr. Seward to Mr. Delano.
No. 103. February 5th, 1880.

Sir:—

Recurring to your despatch No. 142, in regard to Messrs Hedge & Co's Kerosine oil I have to ask whether transit-dues properly so called are levied on foreign goods sent from the district occupied by foreigners at your port to the other bank of the river.

I hold of course that the levy of Lekin taxes upon foreign goods is in contravention of the Treaty, but on the other hand transit dues may be levied upon them when they are not covered by transit-passes, and it has occurred to me that a barrier for the levy of transit dues passing from the one district to the other may exist now and may in fact have existed from the date of the earliest treaties. I should be glad to receive from you any information

information upon this branch of the subject which you may be able to gather.

You will have learned from the Circular of 1878, that the Chinese Government asserts in the most positive way its right to tax foreign goods in native hands as it sees fit, and we all know that provincial officers act upon the principle there laid down. It has seemed to me in the past as it does now that the efforts of individual Ministers to break down the practice would be futile and that such a result can be brought about only, if at all, by combined action on our part. The several Legations are now proceeding upon this theory. Messrs Hedge & Co's case will be presented to the Tsung li Yamen with cases of the same sort from other Legations, and it will remain to be decided at a later moment, and in view of the further information requested in this note whether to demand a refund of the tax levied in the given case.

I am, sir,
(Signed) George F. Seward.

for made

No. 595. One Enclosure.

DEPARTMENT OF STATE
APR 26 1880
RECEIVED

Legation of the United States.

Peking, February 14th, 1880.

George F. Seward to
the Secretary of State.

Subject.

The transit pass system.

Synopsis.

Refers to and comments upon a despatch from Vice Consul-General Shepard of Hankow, a copy of which has been sent by Mr. Shepard to the Department.

No. 595. One Enclosure.

Legation of the United States.

Peking, February 14th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

The Consul at Hankow addressed to me in November last a despatch, number 35. in regard to the operation of the transit pass system, and the incidence of taxation upon foreign goods and foreign owned native produce. From his registers of letters sent and received, I learn that he has transmitted a copy of the despatch

despatch in question to yourself, and I beg leave now to refer you to it for many interesting facts regarding the practical working of the Chinese system of bating merchandise in transit, and their evasions of the " stipulations of the treaties " affecting the matter.

I beg leave to hand
1595. to you a copy of the response addressed by me to Mr. Shepard upon the receipt of his letter, expressing my thanks for it and asking him to send me evidence, as he may be able, of the irregularities which fall under his notice.

I have the honor to be,

Sir

Sir,

Your obedient servant.

George F. Edwards

Enclosure.

1. Hon. Seward to Gen. Shepard.

No. 75. December 3rd, 1879.

Despatch No. 595.
Enclosure.

Mr. Seward to Mr. Shepard.
No. 75. December 3rd, 1879.

Sir:—

I have had the honor to receive your very interesting despatch No: 35 in regard to the operation of the transit pass system and the incidence of taxation upon foreign imports and upon native produce intended for exportation.

The statement of wills which have fallen under your notice in this connection will be of much value to me and to my colleagues in the effort now being made to secure the reforms which the circumstances of trade generally are demanding.

You will appreciate the fact that in stating our grievances to the Government here we need proofs to sustain them, and that documentary evidence emanating from Chinese sources is the best that we can have. I shall

shall be obliged therefore if you will send to me such proofs as you can obtain in any case or cases which fall under your observation. Your correspondence with the Taotai in regard to the damaged Szchuen produce, for instance, might prove of value here. Evidence in regard to the exactions upon goods being brought from Sha-ze to Han Kow under transit pass, referred to in your despatch, could also be used to advantage, and not less evidence which would prove that tax receipts are refused or granted for amounts less than those paid. We are all satisfied that such abuses exist but we do not find ourselves able to push our representations to the Government in regard to them as we would desire, in the absence of the evidence.

I note your remarks regarding Sha-ze. The moment is not opportune for me to enter upon a negotiation

(for

for its establishment as an open port, but the situation in this respect may be different soon. I may be able in any case to secure the desired result through the German Minister whose negotiations with the Government for a revision of this treaty are still going forward.

I am, Sir, etc.

(Signed) George F. Seward.

Ack'd as directed
May 13. 1880.
Mr Hayward.

Ack & thank & made
C. P.

No. 696. One Enclosure.

Legation of the United States.
Peking, February 16th, 1880.

George F. Seward to
the Secretary of State.

PRINTED.
FOREIGN RELATIONS
1880

Subject.

Mr. Lord's comments upon the Chinese Circular of 1878.

Synopsis.

Forwards Mr. Lords despatch in comment upon the Circular, with Mr. Sewards explanations and approval.

No. 596. One Enclosure.

Legation of the United States.

Peking, February 16th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

In September last I transmitted to our several Consuls in this Empire, through the Consul General, copies of the circular letter addressed, in March 1878, by the Tsung li Yamen to the Ministers of China in foreign countries, and requested them to report to me their opinions upon its contents. I did this because I

I was desirous of bringing to
their notice the positions taken
up by the Chinese in regard
to questions which are of daily
interest at the ports, and be-
cause I was anxious to
place before you evidence
from divergent sources of the
estimation in which the
paper in question may be
held.

The responses which I
have received have been less
full than I expected. It is
my intention to gather them
together and to send them to
you when time will permit,
but, at the moment, I can do
1/596. no more than to forward the
fullest

fullest and most careful which has come to hand, that of Mr. Lord, Consul at Ningpo, the oldest and most experienced of our officers in China.

The report of Mr. Lord has been written from his own standpoint, and with but little opportunity for any comparison of opinions with myself. It seems to me, however, to sustain perfectly the views upon the various questions involved which were long since embraced by me, and which the foreign Representatives here, generally, have come to consider those entitled to support. It is a

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paper, therefore, to which I invite your especial attention.

It would be tedious as well as unnecessary to review Mr. Lord's paper, but there are some points in it which need a word of explanation.

He refers in Sections 3. and 4. to the Coast Trade duties, saying that they are not mentioned in the treaties. This is entirely true. The present system was devised after the treaties of 1858. were signed, and was intended to be an equitable arrangement of the matter. Foreign vessels had for a long time shared in the coast trade, paying at the ports of departure and

and arrival such duties as were demanded of them. Thereafter, however, they were to pay a full duty on all native goods carried out of a Chinese port, just as if the goods were being exported to a foreign country, and, upon importation at the second port, a half duty. This arrangement was agreed upon in 1861, by Sir Frederick Bruce, then H. Minister of England, and the Tsung li Yamen, and has been acquiesced in by all other Powers. The details will be found at page 204. of "Mayers "Treaties", a copy of which is in the Department.

Mr. Lord again refers in

in the same division of his paper to the option which foreigners exercise to send their imported goods into the interior, and to bring native produce from the interior, either under transit passes, or without them, and intimates that Tariff Rule No. VIII. provides only for the use of transit passes when foreigners desire to move such merchandise.

Tariff Rule No. VIII will be found on page 30. of "Mayers "Treaties". It reads as stated by Mr. Lord, but it is to be construed with reference to the appropriate article of the Treaty

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(XXVIII page 15.) perusal of which will show that the option to use transit passes or not is " reserved to British merchants. If there be any doubt on this head, it will be resolved by a reference to a further " agreement made by Sir " Frederick Bruce and the Tsung li Yamen, the particulars of which are given at page 203. of "Inglers Treaties." "

The articles of our " Treaties which refer to transit duties are the XIII of the Treaty of 1844. and the VII of the Supplementary Treaty of 1858. Read by themselves, these articles would indicate that, since

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the latter was signed, no transit dues in excess of 2½ per cent can be levied upon any goods.

In Section 5. Mr Lord refers to the question whether goods not intended for exportation may be brought from the interior under transit passes, and reaches the conclusion that it is equitable to acknowledge the objections made by the Chinese on this score. The merit of their objections is universally recognized, as I believe, and it is generally conceded, also, that the intent of the treaties sustains their view.

With these remarks, I again commend Mr. Lord's

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paper to your notice.

I have the honor to be,

Sir,

Your obedient servant.

George F. Seward

Enclosure.

1. Mr. Lord to Mr. Seward.

No. 105. November 29th, 1879.

Despatch No. 596.
Enclosure.

Mr. Lord to Mr. Seward.
No. 105 November 29th, 1879.

Sir:—

The U. S. Consul General at Shanghai has sent me a copy of a "Circular note addressed by the Chinese Government to its Ministers abroad in March of last year", with the request that I would make, and forward to you, such comments on it as my experience might suggest.

The paper referred to, I notice, is divided (I speak of its English translation) into paragraphs which are numbered consecutively from 1. to 10. It may serve both convenience and perspicuity if, in the remarks which I may make, I follow the order and numbering here observed.

I. The note opens with the declaration that, Since the Treaties of Tientsin were ratified China's relations with Foreign Powers have invariably been conducted in accordance with their

their stipulations". The entire accuracy of this statement may perhaps be questioned. It is too broad and too positive. It overlooks an important element which has existed, and which has influenced this whole matter. It is known of course that the Chinese Government did not enter into these stipulations willingly. It assented to them because it seemed necessary to do so. They were regarded as burdensome, and the observance of them has necessarily been irksome. But reluctant services are usually scant services, for, what one does not want to do, one is always finding opportunities and reasons for not doing. And in the matter in question the Chinese Government has probably been no exception to this rule. Had the treaties made with foreign Powers been on its part, as on theirs, treaties of real friendship, its observance of them would probably have been attended with

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less friction and less complaint.

The "accidents to individuals which," it is rightly said, "may occur in any country, and which no amount of foresight can effectually guard against," would probably have been fewer, or, if not fewer, would have given rise to less complaint. Indeed "the accidents to individuals," here referred to, are not in themselves infractions of treaty stipulations. They become such only when inadequate measures are taken to prevent them, or when, having occurred, they are reluctantly or insufficiently redressed. And the presumption is that the complaints that have been made by foreign Governments in connection with these "accidents" have been called forth not so much by the "accidents" themselves as by the existence or supposed existence of those attendant and damning circumstances.

But while the statement, with which this paper opens, seems liable (to

to the criticism here made, it is but fair to admit that there is in it much of truth. The Chinese Government has undoubtedly taken pains, and great pains, to observe the stipulations of its Treaties. That it has not done all that could be desired must be admitted; but that it has done much cannot be denied. And when all the circumstances of the case are considered, the matter of wonder must be, not that it has failed so much, but that it has failed so little.

Treaties are not always fair, especially when made at the cannon's mouth. Nor when fair, are they always so intelligible as to be capable of no misapprehension. It would, therefore, be no new or wonderful thing if those in question were in some points capable of different constructions. It happens, however, that the different constructions put upon such instruments do not always arise from

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any wrong or ambiguity in them, but from the party or selfish interest through which they are viewed. How it may be in this case there will be opportunity to inquire further on.

2. This paragraph states the efforts that had been made to revise the treaties, and the failures that had attended them. It also enumerates the subjects that had been discussed but on which no agreement had been reached. They are four in number, "Transit" "Lekin-taxation" "Exterritoriality" and "the most-favored nation clause", and these are the subjects discussed at length in the succeeding paragraphs.

3. In this paragraph we have a statement of the conditions on which foreigners may carry on their trade both at the ports and in the interior, in accordance with the treaties of Tientsin. But some of these conditions are hardly found in these treaties. For instance the coast trade duely mentioned here, I believe is not mentioned there.

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And the choice which the foreign merchant is said to have of passing his goods into or out of the county either with or without transit certificate does not appear in the Rules of trade adopted in the supplementary Treaties made at Shanghai. But these are minor points and need — perhaps no particular discussion here.

4. The discussion of the Transit difficulty, which here begins, is divided into two parts, transit inwards, and transit outwards. The former is first considered. The positions taken by the contending parties seem clearly and fairly stated. Foreigners "have held that foreign goods which have once paid transit dues cannot — subsequently be called upon to pay any local charge whatever." But "to this interpretation" the Chinese Government "cannot agree". It maintains that such goods are exempt from local charges only while they are passing from the port to any given place inland

inland; and that on their arrival there their transit certificate is cancelled, and they "thereafter differ in no respect from ordinary uncertificated goods". These positions are wide apart, and the matter at issue is a vital one since, not only the welfare, but the existence of our trade here, must depend upon it.

The Chinese Government claims that its position is sustained by the treaties, yet it cites no article or clause of them in proof, except an incidental statement from the Rules of Trade, to the effect that in transit certificates covering goods to be sent into the interior, the place of destination must be inserted. The statement however is not in this form but in the following. "In the case of imports; Notice being given at the port of entry from which the Imports are to be forwarded inland, of the nature and quantity of the goods, the ship from which they have been

been landed, and the place inland to which they are bound, with all other necessary particulars, the Collector of Customs will on due inspection made, and on receipt of the transit duty due, issue a "transit duty certificate". Now from this incidental clause (which to indicate I have underscored in my citation) which evidently relates to a matter of form, and which, both from the connection, and from the nature of the case, could have had no reference to the matter in question, the grave inference is drawn that foreign goods, though they have paid both import and transit duty, are liable, as soon as they reach their destination, to further and unlimited taxation. Such reasoning seems truly wonderful.

Again, it is stated that the foreign merchant in sending his goods into the interior, "has the option of taking out or not transit

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documents". This statement is in conflict with the Rules of Trade. It is there stated that, "any attempt to pass goods inward or outward otherwise than in compliance with the rule here laid down." Rule VII. which provides for the transit pass system — "will render them liable to confiscation". This rule complied with, the supposed inconvenience of finding two Kinds of goods at the same place in the interior at the same time, one exempt from local charges, and one liable to them, could never happen in regard to goods passed by foreigners. Were it to happen on account of goods passed by natives, under other regulations, this might be a reason why all imports sent into the country, whether by foreigners or natives, should be sent under the transit pass system, but it could be no reason why those sent by foreigners should

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be further taxed. It rests with the Chinese Government to adopt some such regulation as this, or to leave its people to the inconvenience of getting on without it. But whatever course it may elect in this matter, it is bound to observe the regulations which it has carefully and solemnly made.

The reasons then assigned in this Note for the Chinese interpretation of the transit system are not in point. And were the interpretation correct, its correctness would need to be shown from other considerations. But these, it is presumed, do not exist. For the other interpretation, that given to it by foreign Governments, there are better reasons. I will mention one or two of them.

I. Treaties and regulations relating to duties, or the taxes to be levied on the goods of one country when imported into another, always aim to be definite. They state just what

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is intended by the parties, no more and no less. Thus were there an agreement entered into between England and the United States to the effect that each country might import its goods into the other on the payment of an ad valorem duty of 5%, it would be understood by everybody, that when these goods had paid this duty they would be liable to no other charges. Or if the agreement were to the effect, that these goods on landing at the ports, must pay this 5% duty, and then if sent into the interior they must pay 2½% transit duty, here too everybody would understand that when these two duties were paid, no more could be levied. In other words, to collect the duty or duties named would be lawful, but to levy any not named would be unlawful. And if either Government were to attempt to make such levies, on the pretext that this agreement

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covered the goods of its neighbor only till they reached their destination after which they might be taxed to any extent that suited its convenience, what would be thought of it, but that its faith was badly kept?

11. Again as this method of making and interpreting treaties is so universally and so thoroughly understood, it is almost certain that if either party to the treaties had, at the time they were made, intended or suspected the interpretation now sought to be put upon this part of them, there would have been left some real evidence of it. The Chinese Commissioners had this been their intention, would have given some definite expression of it. While foreign Ministers, had they suspected such an intention, would have taken pains to guard against it. But in the language used there are no such indications. And this fact, together with

with the entire absence of reference to duties or charges other than those definitely named, must be regarded as adequate proof that at that time no others were contemplated.

III Again, in the negotiation of treaties, the regulations of trade, and especially such parts as relate to the duties which one party may levy on the goods of the other, commonly require much and careful attention. Every stipulation needs to be fully understood and definitely stated. And this, there is every reason to suppose, was the case in the present instance. Moreover in the present instance, instead of a single treaty, there were several; all negotiated by able men, and ratified after much and careful scrutiny. These treaties, on the matter in question, all use the same language; and this language in form simple and definite, has been generally supposed to limit

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the taxes leviable on foreign goods to the import and transit duties. And no other interpretation seems to have been proposed, or even thought of, until conjured up by Chinese officials, mostly no doubt in the interest of their Lekin arrangement, but partially perhaps as an effort to assert their rights to regulate their own taxation. Now simply from these circumstances, the inference is very strong that the interpretation commonly given to this part of the treaties is the only legitimate one.

IV. Again the supposition that foreign Embassadors would have made, or their Governments ratified, the VII Rule of Trade with the meaning now put upon it by the Chinese Government, is very improbable. They could hardly have done it without seeing that the result would be the hindrance, if not the destruction of the trade which it was their great object

object to facilitate and conserve. It was known of course when these treaties were made that the Chinese did not want to make them. China, it was said, wanted neither commerce nor intercourse with foreign nations. But foreign nations it was replied wanted both with China, and having the power they exacted these concessions, and, to secure them tied them up in treaties. These treaties everywhere insist on the right of trade; and very great pains were taken in order to facilitate and conserve it. In addition to all the guarantees thrown around it in the main treaties, supplementary ones were made with special and exclusive reference to it, containing a set of Rules, setting forth very minutely and very definitely the conditions on which it should be conducted. And now is it reasonable to suppose that after all this care and all

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these pains, the matter would have been left in such a way as to imply the right on the part of the Chinese Government, should it choose to exercise it, not only to hinder but to render impossible, the trade so positively exacted and so carefully guarded? And yet this is the long and short of what is contended for in this diplomatic Note. It says in substance: "Yes— We have consented to foreign trade, Foreigners may bring here their goods, and having paid on them the duties prescribed in the treaties, they may sell them to our people. But as soon as they are sold we may tax them further, and to any extent that may suit our object." "And so" it could just as well have added, "should it suit our object to stop this trade altogether, we have only to starve it with taxation". For the right to tax trade without limit, is the right

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to prohibit it. Does the Chinese Government really claim this right under existing treaties? If so, for what purpose were these treaties made?

V. Were it needful to discuss this matter further it would be in point to refer to the circumstance that these treaties with China are in some respects peculiar. They were made on the presumption that on several important matters she could not be safely left to the exercise of her own discretion. And so in regard to them she has been required to bind herself to a prescribed course of procedure. One of these relates to the rights of treaty subjects in the matter of residence, travel, business, etc, within her territory. Another relates to the Government to which they are amenable. And another relates to the kind & extent of the tribute that may be levied on foreign commerce. These agreements on the part of the Chinese Government

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are concessions, which under the circumstances foreign governments thought it needful to require, and which under the circumstances the Chinese Government thought it needful to make. And the presumption is that when they were made both parties understood them and that their understanding was the same.

VI Finally, there is in the treaties themselves the clearest possible evidence that they could not have meant, and could not have been understood to mean, that foreign goods having paid the tariff duty and the one half tariff duty as transit dues could be further taxed. In Article X of the Treaty of Nanking there is a very explicit statement to the effect that no such taxes shall be levied. The language is, "such merchandise" merchandise having paid the tariff duties, — "may be conveyed by Chinese merchants to any province or city in the interior of

of China in paying a further amount as transit dues, which shall not exceed — per cent, on the tariff value of such goods. The Treaty of Nanking ratified in 1843 was in force until superseded by that of Tientsin, ratified in 1860. This latter Treaty Article XXVIII mentions Art. X of the former Treaty and states that its observance had not been satisfactory to British merchants. It is not intimated that what they complained of — "charges suddenly and arbitrarily imposed by the Provincial authorities," grew out of a different interpretation of the Article. On the contrary it is implied that it grew out of irregular and excessive valuation of goods, the dues to be levied being a percentage on their value. The evil being stated, the article goes on to prescribe a remedy. But the remedy prescribed seems on further reflection, to have been deemed unsatisfactory. So we find it presently modified,

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or substituted by Rule VII of the Rules of Trade, which sets aside the ad valorem arrangement, and adopts the simpler one of the one half tariff duty, which has ever since been in operation, and now reviewing the various efforts on the subject of transit dues, can anything be clearer than that the aim of each and all was to relieve foreign trade of excessive and troublesome taxation! in a word, to prevent what the Chinese Government now avers is not prevented. To me its position on this point seems novel and extraordinary. Looking at it in reference to the Treaties, it is without foundation; and looking at it as a matter of reason, it is really absurd. The absurdity of course does not lie in the simple fact of the Government's claiming for itself the right to regulate its own taxation, for this is a natural right and belongs to all nations. It lies in the fact

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of claiming this right after it has ceded it away, and under the treaties in which the cession is made. In these treaties China has ceded to foreign nations the right to trade at her ports and among her people. She has also ceded or relinquished her right to tax their goods except to a limited & specified extent. Yet in the face of this she here maintains that she may tax them to any extent that may suit her convenience as soon as they reach their destination or pass into native hands, as if she did not know that the object of the regulation referred to is to protect trade, or as if she could not see how little difference it makes to trade itself whether it is taxed in foreign or native hands, since it is not the hands but the taxing that kills it.

Should it be said that the right here claimed by the Chinese Government to tax foreign goods beyond what is (specified

specified in the treaties is only a matter of theory not of practice; and that until such taxation is actually resorted to, it need not be complained of, it may be replied that its being a matter of theory not of practice is by no means admitted, as we shall see further on, and if it were it would still be sufficiently important to need attention, as theory leads to practice and what we admit in the one we must tolerate in the other. Foreign trade with China will have difficulties enough to encounter even when it is placed under regulations the most equitable in kind and the most simple in form. Hence it is of the greatest importance that when such regulations are reached, they should be mutually understood, and mutually observed.

5. This paragraph discusses the matter of transit outwards. But transit outwards and transit inwards are the same in substance. So there is nothing new needing attention here, excepting perhaps

perhaps the question that is raised, as to what goods foreigners can bring from the interior under transit certificates. "Foreigners" it is said "have held that goods may be brought down under transit certificate even when not intended for foreign export, but meant for resale in China; and have gone so far as to say that, even without certificates, no tax ought to be charged in the interior on goods ordinarily exported to foreign countries." It is perhaps unnecessary to inquire what views or what language may have been held on these matters, either by foreigners or Chinese, since we have at hand what is not only better authority, but what in fact is the only authority, the authority of treaty stipulation. Rule VII of the treaties supplementary to the Treaties of Tientsin, stating how foreign merchants may bring native produce from the interior to the ports, says "Produce

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purchased by an American citizen in the interior will be inspected and taken account of, at the first barrier it passes on its way to the port of shipment. A memorandum, showing the amount of the produce, and the port at which it is to be shipped, will be deposited there by the person in charge of the produce; he will then receive a certificate which must be exhibited and visèd at every barrier on his way to the port of shipment. On the arrival of the produce at the barrier nearest the port, notice must be given to the Customs at that port, and the transit duties due thereon being paid, it will be passed. On exportation, the produce will pay the tariff duty." This language shows

I. That there is no treaty arrangement for foreigners to bring native produce from the interior except by transit certificate, and the payment of one half export duty as transit dues,

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2. That the produce thus brought to the port is presumed to be for shipment. There is no statement, however, to the effect that it must be shipped; and unless it should appear that some wrong or inconvenience should arise to the Chinese Government from its non shipment, the language employed would seem inadequate to enforce its shipment.

3. That the presumption is that the produce brought to the port is not only for shipment, but for shipment to foreign countries. As before, however, there is no statement to the effect that this is necessary. Any shipment, — shipment to other ports — would seem to answer all that the language implies; and, as already remarked, no shipment at all would seem to be necessary, except on the ground that this was the condition, or a condition on which the right to purchase produce in the interior and bring it to ports under transit certificates

certificates, was granted, and that the non observance of this condition would result in harm to the party granting. But the condition of shipment being admitted, it would belong to the Chinese Government to say whether it would or would not be harmed by non-shipment. The question open for discussion then is the existence or non existence of this condition. Was the right conceded to foreigners to purchase goods in the interior and bring them to ports conditioned on their being shipped therefrom? In answering this question it may be asked whether their shipment was a matter of desire on the part of the Chinese Government, influencing it towards granting to foreigners the right of this inland trade? On the contrary is it not well known that the Chinese Government was influenced by no such desire, and that the admission of our merchants

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to its ports and into its country arose from other considerations? It would seem quite reasonable to suppose that the language here used referring to the shipment of goods arose simply from the presumption that such would be their destination, and that its object is not to state that the goods must be shipped, but to prescribe when and how the duties must be paid. And yet there are grounds perhaps on which it might be argued, that the intention of the Chinese Government was, that all native produce purchased by foreigners should be exported, and exported to foreign countries. Their exportation would serve to increase its revenue; and their exportation to foreign countries besides subserving this object, would tend to restrict foreigners to foreign trade, and so lessen their influence in local matters. Moreover, the reason here suggested

suggested, that of preventing native trade being subjected to unfair competition, would seem in point as a motive for this arrangement. And if for these or any of these objects, the Chinese Government intended that goods purchased in the interior by foreigners should be exported to foreign countries; and if this intention were understood, and this condition accepted, then the correctness of the position here taken - "that the produce that is entitled to transit privilege can only be such produce as is intended for foreign export," must be admitted.

6§ The Lekin question here discussed strikes me as being handled somewhat unfairly.

In the first place it is not true that "Lekin is continually objected to by foreigners" - in the broad sense here stated. Lekin, as a purely Chinese matter, they care nothing about. They object

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to Lekin simply as applied to their own trade. And they object to it here not on the ground which the language of the note would seem to imply, namely, that the Chinese Government has not the same right that other nations have "in raising loans or increasing taxes," but on the ground that, in doing so, it has agreed in the matter of foreign goods, to collect prescribed duties, and to abstain from all others.

Again, as to this matter of Lekin, objected to alike by foreign and Chinese merchants, it is said "that the Government regards it only as a temporary expedient" What may have been, or what may now be the intentions of the Chinese Government in this respect, we need not discuss. It may, however, be in place to remark, that this system of taxation, known as Lekin, has been in operation now for many years. And although the "troublous times", said to have made

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it a necessity, have long since ceased, the remedial measure has in no respect been laid aside. On the contrary likin is more of an institution now than it has been at any time before. And so strongly has it become intrenched in official greed, so closely is it watched, and so carefully is it guarded, that the prospect of its being "only a temporary expedient" appears unhopeful. However, so far as it is only purely a Chinese matter, a war betwixt the people and their rulers, we may stand aside and let them fight it out. This should and would have been our attitude had the Chinese Government permitted it. But its action in undertaking to likin foreign goods, as well as native, has necessarily drawn us into the conflict. But in this conflict we are not allies. We stand simply in self defense. And our war is not against likin, but against likin applied to us.

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The Chinese Government undertakes to show the unreasonableness of foreigners in complaining of its action in this respect. "Independant Powers", it says, "must be guided by national necessities in fixing their taxation". "We maintain", it adds, "that all such matters should be left to be determined by China herself, and that the foreigner has no more right to interfere with or object to them than China would have to interfere with or criticise the action of a Foreign Government in raising loans or increasing taxes". In reply to these remarks one can hardly help an expression of surprise, that the Chinese Government should seem not to see that in the comparison here made, it calls things the same that are much unlike. If China has no right to critise a foreign Government for increasing its taxation on her goods, it is because that Government has not agreed with China to abstain from doing so. On the other hand, if foreign

foreign Governments complain of China for increasing her taxation on their goods, it is on the ground that she has agreed with them not to do it. And if the question be raised why foreign nations should ask of China what China does not ask of them, the answer is easy. In the former case there is a need, in the latter there is none. Let us look a little at the two cases. In the United States there are no Lekin burdens, and no transit duty obstructions. When Chinese or other merchants land their goods at our ports and clear them of the Customs duty, they are at liberty to take them to any place they like. No restriction is laid upon them or their goods. In like manner they may go to any part of the country and purchase goods. And when purchased they can take them to the ports and ship them without any Government tax or official surveillance. Here then in the matter

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of trade there is nothing to ask for. Every needed protection and every possible facility are afforded without asking. The state of things is very different in China. Here our merchants are under many restraints. If they go into the country they must go covered with passports. If they take goods with them their goods must be covered with transit certificates. These certificates must state precisely the kind and quantity of the goods, and the place to which they are destined. Then if the goods should stop short of the place specified, or go beyond it; or if any of them should be sold by the way, they are all to be confiscated. To begin with, there is the trouble of procuring transit certificates, and the expense of transit dues, which are supposed to exempt the goods from LeKin charges, but which, as we shall yet see, only suspend them while in transit. Then en route both certificates and goods must be submitted for examination at all the barriers. (LeKin stations) passed.

passed. In this way time is lost, expenses are increased, misunderstandings arise, goods are seized, and litigations ensue. The same difficulties burden and obstruct our outward trade. Now considering how reluctantly China opened to us her trade, and how many burdensome restrictions she has been inclined to force upon it, can it be very difficult to see how much need we had, in our negotiations relating to it, to ask of her what she had no need to ask of us, a prescribed method of taxation?

Having expressed surprise at the disposition of foreigners to complain of Lekin charges, the Circular Note proceeds to add, "If foreign merchants desire to escape the Lekin, they can escape it, all they have to do is to supply themselves with transit certificates when taking foreign goods into the interior, or bringing native produce out of the interior". This remark, had it not been differently explained

explained in another part of the paper, would lead us to suppose that goods having paid the prescribed transit duty, and become covered by transit certificate, would thereafter be exempt from Lekin charges. But we have been told, in paragraph 4, that this exemption lasts only while the goods are passing to their place of destination; that having "arrived there, the certificate becomes waste paper, and the goods thereafter differ in no respect from ordinary uncertificated goods." Now, with this explanation of the language, we are at a loss to know what could have been its object here. It must have been known to the Chinese Government that the complaint of foreigners in the matter of Lekin is not against Lekin as levied on their goods during transit, but against Lekin as levied on their goods at all. How then, on the Chinese theory, could foreign merchants, by taking out transit certificates, escape Lekin? Were the Chinese Government

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asked to answer this question it could of course only repeat what we so often hear from its provincial and local officials, that the interest of the foreign merchant in his goods ceases on their arrival at their destination, and that whatever treatment they receive after passing into native hands is a matter of no concern to him. It is difficult to understand how men of insight can seriously maintain a hypothesis like this. But on the supposition that they can, one is disposed to ask them one or two other questions. And first, suppose the Chinese Government or its provincial authorities, were, for some reasons of their own, to undertake to destroy all foreign goods as soon as they pass into native hands, would this be a matter of concern to the foreign merchant, or one to be complained of as a breach of treaty stipulations? In this case no doubt the answer would be "Yes, for this would be equivalent to the prohibition of foreign trade, which of course the treaties would not

not permit". Well now, suppose the procedure is not to destroy the goods, but to tax them so as to produce the same result, how would the matter stand then? The reply would be, "In the same way of course, for the destruction of trade is not permitted". It is admitted then that the foreign merchant has an interest in his goods after passing into native hands to the end that his trade may not be destroyed. Has he not the same interest in them to the end that his trade may not be injured? The foreign merchant knows, and it would seem that everybody must know, that whatever taxes are laid upon his goods are taxes upon his trade. — Moreover it must be known, that when these taxes reach a certain limit his trade becomes unproductive, and that when this limit is passed his trade becomes impossible. The process of taxing goods may be as destructive to trade as the process of burning them. And it makes little difference to the

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merchant which process is used when the result is the same.

But to pass from principles to facts, what taxes are actually levied on foreign goods? First of course there is the import duty. Then, if the goods are sent into the interior, there is the transit duty. And then, in all cases, there is the Octroi. If goods are sold at the port they must pay Octroi at the port; if they are sent into the interior, they must, in addition to the transit duty pay Octroi in the interior. Whenever the goods are sold be it at the port or in the interior, the Octroi is rigidly exacted. The Treaties presume that the foreign merchant, importing goods, and clearing them from the Customs, can take them to his godown and sell them without their being subjected to further charges, to anyone who will buy them. But, under present Octroi regulations, no native will buy them, no natives would dare buy them, till they have paid the Octroi charges, and cleared

cleared from the Lekin offices; for if they should be found off the foreign merchants premises, and in the possession of natives without Lekin receipts, they would be seized and confiscated. Who procures these receipts? and who pays for them? They are procured by the seller or the buyer as may be arranged by the parties themselves. But in either case it is the owner of the goods who is taxed. To illustrate, let us suppose a foreign merchant imports a lot of goods, worth, in the absence of Lekin, $10,000. But when he comes to sell them he finds them burdened with Lekin claims amounting we will suppose to 5% or $500. The buyer says to the merchant "I will take your goods at $10,000, you paying the Lekin, or at $9,500. if I pay it." The sale is effected on these conditions, it being impossible to effect it on any other. The same thing happens if the merchant takes or sends his goods into the interior; they must pay Lekin, and Lekin is

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a tax on his trade. The statement therefore that," If foreign merchants desire to escape the Lekin, they can escape it; all they have to do is to supply themselves with transit certificates" is misleading. There is really but one way to escape it; and that is to give up business.

7 § The question of jurisdiction i.e. exterritoriality, is taken up in this section. The treaties, it is said, exempt foreigners from the jurisdiction of the Chinese Authorities, and place them under that of their own. "But" it is added "foreigners claim much more than this; they interprete this exterritorial privilege as meaning not only that Chinese officials are not to control them, but that they may disregard & violate Chinese regulations with impunity." This charge is doubtless inconsiderate. No such claim could have been made by intelligent and respectable foreigners. For amongst them there is no principle better understood

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or more firmly held than that one is bound to respect and observe the laws of the country both of which he may be a citizen, and in which he may be a sojourner. If there has been any expression on this subject that could have given to the Chinese Government occasion for the complaint here made, it must have had reference not to what are commonly called the laws of the country, but to some national or local usages which afford no benefit to society, and so have upon it no claim for observance. And this would seem to be indicated by the example used for illustration, the act of passing through a prohibited passage. An act of this kind might be wrong, but not necessarily so. The right or wrong could be determined only by knowing the circumstances. If, on knocking at a man's gate, we were told that entrance was prohibited, on the ground that the proprietor was absent, or ill, or engaged, we should

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at once respect the prohibition as one of reason and obligation. But if, in passing along the highway, we were stopped in front of an image, a statue, or a temple, and asked to dismount from our horse, or to descend from our chair, as it was forbidden to pass these objects except on foot, this would be a prohibition the reason for which many foreigners would not see, and one which it is quite possible they might hesitate to observe. Again in entering an official residence, a question might be raised as to the gate or passage by which the entrance should be made. Now on the one hand it is clear that the officer in charge of the residence has the right to control its gates and passages, and if the foreigner enters he must enter by the way that is open to him. But on the other hand, the foreigner has rights as well as the officer. And if it should appear to him

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that the way which he is asked to enter, indicates a want of that courtesy which a host should show to his visitor, he may reasonably decline to enter it; and the harm, if any should follow, will lie at the door of him who is really at fault. In this, and in all such like cases, both parties have rights, and neither is to trample upon those of the other.

With this disavowal of the charge that foreigners claim "that they may disregard and violate Chinese regulations with impunity" it may be only fair now to admit that there may have been instances, and possibly not a few, where Chinese regulations have been disregarded, and where Chinese rights have been trampled upon by foreigners. But these are wrongs to be regretted. No right is, or has been, claimed to commit them. On the contrary, when committed, if brought to public notice, they have been condemned, and if brought into foreign courts, they have probably been punished

punished. And if at any time they have been committed with impunity it must have been owing to circumstances other than a wish or a willingness on the part of foreign Governments, or their officials to withold redress.

The interpretation of the Treaties here given, on the matter discussed, that their meaning is, "not that a foreigner is at liberty to break Chinese laws, but that if he offends, he shall be punished by his own national officials." will no doubt be accepted as correct, if the understanding be that these officials are to be the judges both of the offences committed and of the punishment to be awarded. And that such is the understanding seems probable from the remark — "If they commit an offence their own authorities are to punish them according to their own national laws." There would seem then to be little or no ground for misunderstandings on this matter.

On the one hand the Chinese Government maintains

maintains that foreigners while residing in its country are required to obey its laws; and the obligation to do so foreigners readily admit, understanding of course by laws the regulations needful to secure the peace and welfare of society. On the other hand, foreigners maintain that they are answerable for all their real or supposed offences only to their own officials; and this is readily admitted by the Chinese Government. What is there then to contend about? There is really nothing, unless it be supposed that something will be called laws on the one side which will not be regarded as such on the other. This may or may not happen, But if it does, the Chinese Government must not overlook the fact that, in assenting to this exterritorial arrangement, it has left the decision of these questions in the hands of the defendant's judge. If a foreigner offends, or is supposed to offend, against Chinese laws, he can be complained of to his Consul; and it will be for

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his Consul to ascertain what, if any, law he has violated, and what, if any, punishment he should suffer. But it is presumed that it would seldom, if ever, happen that the Chinese Government would be inclined to complain of foreigners for acts other than those forbidden and punishable by foreign laws, as well as their own.

The matter taken up in the latter part of this section is one of great importance. "Seeing that China has agreed that judicial powers shall be exercised by foreign Consuls within Chinese territory, foreign Governments should on their side take care that none but good and reliable men are appointed to these post." The matter here brought forward is not only important, but in place; and the position taken in regard to it is entirely correct. Indeed it is a matter of wonder that the position of any foreign Government in reference to it should have been such as to have fairly subjected them

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to the reproof and the instruction here administered. The practice of making merchants Consuls is objectionable even in countries where they have no judicial functions, but to make them such in countries like this is so obviously unsuitable, and so obviously wrong that no Government should ever have done it, or even thought of doing it, It may be hoped that when attention is sufficiently drawn to this objectionable practice it will cease, If it should not, the Chinese Government would do well to refuse exequaturs to such Consuls.

But the Chinese Government has reason to object not only to merchant Consuls, but to all Consuls who are incompetent to perform their duties. So its remark is well put that, "Foreigners Governments should on their side, take care that none but good and reliable men are appointed to these ports". It is much to be hoped that this remark will not only meet

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the eyes, but sink deeply into the hearts of those whose duty it is to appoint Consuls for this country. The Chinese Government of course cannot be an Examining Board to put these officers on trial when they arrive and apply for their exequaturs. But as the Governments that send them expect them to be received and treated with respect, so both reason and justice would demand that they should send those worthy of such treatment.

8 §. This section discusses the meaning of the most-favored-nation clause of the Treaties. I see nothing unfair in the views here expressed.

9 §. Our attention is here called to the "Missionary Question", and the attitude of the Chinese Government towards it, so far as it is stated here, seems to be in accordance with the Treaties. It has by Treaty assented to Missionaries coming to teach their doctrines in China, and has also guaranteed protection to them and to

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their converts." "But," it is added, "among the missionaries are some who, exalting the importance of their office, arrogate to themselves an official status, and interfere so far as to transact business that ought properly to be dealt with by the Chinese local authorities; while among their converts are some who look upon their being Christians as protecting them from the consequences of breaking the laws of their own country, and refuse to observe the rules which are binding on their neighbors. This state of things China cannot tolerate or submit to."
"Chinese subjects whether Christians or not, to be counted good subjects, must render an exact obedience to the laws of China, if any offend against those laws, they must, one and all, Christians and not Christians alike, submit to be dealt with by their own native authorities, and the foreign Missionary cannot be permitted to usurp the right of shielding them from the consequences of their act."
The right here claimed by the Chinese

Government

Government, that of governing its own subjects, " Christians and not Christians alike", must certainly be admitted and one can hardly suppose that it has ever been disputed either by foreign Governments or by foreign officials. Why then the very strong declaration of this right which we find in the words here quoted! We should be utterly at a loss to know but for the accompanying statement, that some Missionaries have arrogated to themselves an official status, and assumed authority belonging to the Local magistrates, This is a grave charge, and before accepting it, one has a right to be put in possession of the facts upon which it is based. As for myself, without denying its truth, I must yet say, that a somewhat extended acquaintance both with missionaries and their operations, has furnished me with no facts that would serve to corroborate it. The statement may have special reference — I suppose

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it has, to the Catholic Missionaries. But even in regard to them, I think it should not pass unchallenged, or be accepted without proof. Quite likely in the interior, where there are no Consular officers, these missionaries may in some cases, have undertaken to afford protection to their converts against persecution, or against wrongs to which their religion, or their connection with foreigners would be likely to subject them. And quite likely in their endeavors to do this, they may have committed some impropieties. More likely it has oftener happened, that where no real improprieties have been committed, they have been charged with them by unfriendly officials. And, in all cases, it must be borne in mind, reports of their conduct, whatever it may have been, would reach the Peking Government only through tortuous and distorting channels. The charge then is by no means proved because it is stated. It is open also to other objections. In the

the first place, there was no need of its being made. If wrongs of the kind stated had been committed, the proper course to take was to trace out the wrong doers, and report them to their respective authorities, and not to indulge in general complaint against a class. Again, it is put forward as the occasion for insisting upon a certain right, as if that right had really been, or was likely to be endangered. Again, it is a charge of wrong unaccompanied with proof. And again, it is so made that it subjects to suspicion the innocent with the guilty.

China of course must rule her own people, as well those who become Christians as those who do not. No one can deprive her of this natural right; and no one, it is presumed, has, or ever has had, any intention or wish to do it. On the other hand, China has pledged herself to permit her people to become Christians, if they choose to do so, and to protect them from all persecution

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on that account. The Peking Government, it is presumed, has acted, and has the intention to act, in good faith in this matter. If now it would instruct and require all its officials throughout the provinces to do the same, it would take a long step in the way of preventing those complications known as "missionary difficulties"; and of facilitating the settlement of those that might arise. If a general and hearty disposition were manifested on the part of these officials to afford to missionaries and to Christian converts the toleration which the Treaties guarantee, and which both reason and justice demand, there would probably be very little heard about missionary interference. For there can hardly be a doubt that in most, if not in all cases where missionaries come in collision with native authorities, it is owing to acts of intolerance on their part. In ordinary disputes, though neither party is likely to be faultless, the aggressor is always held to be the greater

greater sinner. Applying this rule here one can hardly see with what propriety the Chinese Government comes forward as complainant in this matter. If missionaries have interfered in matters belonging to local magistrates, it is pretty certain that there have been occasions for their interference. Let the Chinese Government put an end to these occasions; then it will be in a position to complain should there be any cause for it.

10 I see no occasion for remarks upon this section, as it is only a recapitulation of the matters previously discussed.

In closing these comments, I have, in the first place, to apologize for their great length; and in the second place to express my regret that, through want of time and strength, I am unable to condense and put them in a better shape.

I have the honor etc.,

(signed) Edward C. Lord.

No. 597.

Legation of the United States.

Peking, February 20th, 1880.

DEPARTMENT OF STATE
APR 26 1880
RECEIVED

George F. Seward to the Secretary of State.

Subject.

Receipt of instructions.

Synopsis.

Department instructions, numbers 325. 326. 327. and 328., and Circular of November 26th received.

No. 597.

Legation of the United States.

Peking, February 20th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have had the honor to receive your instructions, numbered respectively 325, 326, 327 and 328., and your circular instruction bearing date November 26th, 1879.

I have the honor to be,

Sir,

Your obedient servant.

Georg F. Seward.

Article has been given to the Press May 12. 1880. Mr Cadwalader

Substance to Press C.P. May 14 made

No. 598. One Enclosure.

Legation of the United States.

Peking, February 20th, 1880.

DEPARTMENT OF STATE APR 26 1880 RECEIVED

George F. Seward to the Secretary of State.

Subject.

Chinese labor in foreign countries.

Synopsis.

Mr. Seward forwards an article upon this subject, extracted from the Shanghai Courier.

No. 598. One Enclosure.

Legation of the United States.

Peking, February 20th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to hand 598.
to you herewith an article cut from a recent number of the Shanghai Courier in regard to Chinese labor in foreign countries.

The view expressed at the conclusion of the article is the one to which intelligent observers in this part of the world adhere. It was made very

very prominent also in the evidence taken by the Congressional Joint Committee in California, which showed that many large employers of labor, particularly in manufacturing, had begun their enterprises with Chinese, but were gradually replacing them by persons of our own stock as being more efficient.

I have the honor to be,
Sir,
Your obedient servant.
George F. Seward

Enclosure.

1. "The Chinese as competitors."
The Shanghai Courier, Jan^{y} 26th, 1880.

Despatch No. 378.
Enclosure.

The Shanghai Courier.

Monday, 26th January, 1880.

THE CHINESE AS COMPETITORS.

ording to some people, the Chinese are "the g race," and are gradually assuming an ence which will one day be dominant. The ion of China is a thing of the past; and ubjects, no longer prohibited from quitting fatherland, are overflowing into other ries in such numbers that foreign nments are considering how they can the tide of immigration. Nature has avourites; and in the struggle now ning the best must win, the fittest survive. And, it is said, the Chinese are ing their superior qualifications for victory. ers seem never tired of calling attention to sobriety,—as though drunkenness were al amongst foreigners,—their industry, economy; in a word, to their ability to live prosper where foreigners must starve and Looking at the local aspect of the matter, noted that Shanghai, so far from being for the use of foreigners, as originally in- d, is now chiefly inhabited by Chinese, are doing more and more of the business e place. Foreigners are to find fewer fewer occupations open to them, until only sign of their past numbers and rtance will be the spectacle of a le of stalwart Britishers, descendants representatives of a nation which once cked on these shores, acting as chair-bearers me Mandarin, or, may be, standing on the l with wheelbarrows or jinrickshaws, iting native patronage. Of course it must sometime to bring about such a change; ome think they can discern all this on the on of the future. Nothing is easier than d parallels; so we may leave to our con- porary, whose delight in ancient history is what remarkable, the task of adducing nces of the descent of superior races till became the hewers of wood and drawers ater for those whom they once despised. writer of a recent article in the *Annales de rême Orient* predicts that before many years Chinese question will become as urgent in pe as it is now in America. The Chinese o be the principal workmen element of the tern world. Half a century hence the cost of n navigation will be so small that the ese will be transported everywhere at ulously low prices; and Chinese quarters arise in all the cities of Europe. Chinese riority—their greater industry, sobriety, economy,—will make them the chief ucers of wealth; from being the pro- rs they will become the possessors; and e conquest of the world, peaceful but sure, be accomplished. Such is the prospect e us; the only pleasing feature in which is that this happy period is at least half a century ahead, and so will be a matter of more concern to our descendants than to ourselves. Now, although the Chinese question, in the sense of competitive labour, is as yet scarcely spoken of in England, a somewhat similar one, from which useful lessons may be drawn, is arousing discussion. Trade has for some time been reviving; and reviving trade means increased competition. A most important element of production is the character of the producers; and the point to which attention is now directed in England is the competitive worth of the foreign workman. This is a subject to which Mr. Brassey, the member of Parliament for Hastings, has devoted considerable study, and in his recent work on "Foreign Work and English Wages," he arrives at some very important results. These results are not new, for they were reached by Mr. Brassey's father and by various other authorities. Put briefly, this opinion is that the English workman fully deserves the higher wages he receives. Political economists are constantly enforcing that labour should be estimated not simply by its price, but also according to its efficiency,—that low-priced labour is often the dearest. A few facts will make this clear. Even Prince Bismarck does not seem to have a high opinion of the value of German labour, for he has noticed that a French builder executes more and better work in a day than a German, so that German work cannot compete with French. Again, the average output of coals in the year is 185 tons by the Belgian miner, and 272 by the English miner. The proportion of spindles to persons employed in cotton factories is 74 in the United Kingdom, while it is only 37 in Prussia and 14 in France. The produce of 60 hours in an English cotton factory is estimated by another authority to equal that of 150 hours in a Prussian factory. The efficiency of English labour, and its comparative cheapness notwithstanding its high price, is perhaps better shown by reference to a single article. In a piece of fine cambric sold at 9s. 3d., it is estimated that the labour costs 4s. 6d.; yet in this description of goods, in which labour is the most important item, England has complete command of the markets.

Every employer of labour knows that low wages usually mean inefficient work; yet such a common fact seems lost sight of by those who fear the effect of foreign competition on English manufactures, and also by those who, like the writer of the article referred to, believe that the Chinese are destined to become the principal workmen element in Europe and America. The truth is that the Chinaman is neither physically nor mentally the equal of the European or American; and, although we do not know that any statistics on the matter have been collected, we venture to believe that when they are, they will furnish additional support to the views held by Mr. Brassey and others in regard to European labour,—that the lowest priced is the dearest. There is no doubt a deal of low-class labour which a Chinaman may perform as well as a foreigner; but for work in which skill, strength, and continuous industry are needed he is much inferior, and so is not to be feared as a competitor in foreign lands. For exposed work in hot climates, the advantage is on the side of the Chinaman; and there are many industries which the Chinese may learn to pursue with profit in their own country. But this does not affect the facts that Chinese labour is not likely to prove a formidable competitor in the markets of the world; and that China will not,—at least not until the characteristics of the race shall have been changed,—prove the victor in the struggle for national supremacy.

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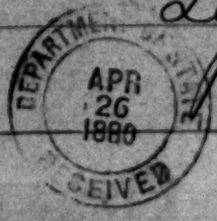
No. 599. One Enclosure.

Legation of the United States.



Peking, February 20th, 1880.

George F. Seward to

the Secretary of State.

Subject.

The Euphrates Valley Railway.

Synopsis

Mr. Seward forwards two articles upon this subject taken from the London Mail.

No. 599. One Enclosure.

Legation of the United States.

Peking, February 20th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have the honor to hand to you herewith two articles, in relation to the Euphrates Valley Railway, which I have extracted from the London Mail of December 9th, and 10th. 599.

I have long thought that this enterprise is one which, in view of the great Asiatic interests of Great Britain, deserves careful attention from that Government,

and

and it would now seem that the British protectorate of Armenia, the acquisition of Cyprus, and the general temper of the British people, all point to its being considered in a more favorable way than in the past.

I have the honor to be,

Sir,

Your obedient servant.

George F. Seward.

Enclosure.

1. "The Euphrates Valley route to India" The Mail. December 9th & 10th, 1879.

Despatch No. 599.
Enclosure.

EUPHRATES VALLEY ROUTE TO INDIA.

London Times. Dec. 8.

TO THE EDITOR.

—You lately published a letter from Mr. E. ...wick descriptive of the stoppage of traffic ...e Suez Canal by the accidental grounding of the ...r-i-Hind (*absit omen*), and in an article on the same ...you adverted to the absolute necessity of securing the ...y of this only one short route to India. It is evident, ...wer, that, whether by accident or design, there are ...y methods by which the use of the Canal might at a ...moment be lost to us, and it behoves us to take every ...s in our power, not merely to secure this one, but to ...ide an alternative route which cannot be closed by the ...nding of a passing steamer. On the 20th of last ...th, in your able article on railway development, you ..."The most important of all the railways talked of ...e East is that of the Euphrates Valley."

...the 21st of July, 1857, this very scheme was warmly ...orted in your columns, and in giving publicity to a ...r written by me to the late Lord Palmerston you ...e—"Twenty years ago the neglect of the Euphrates ...e to India was cited among the marvels of British ...hy." Twenty-two years have elapsed since these ...ds appeared, and what has been done towards removing ...reproach of apathy then cast upon us?

...om the east India is stretching forth her hand to ...us. In 1857 the railway joins Calcutta with Rance...g—an infant line about 100 miles in length; to-day ...e is unbroken railway communication from Cal...a to Kurrachee on the Arabian Sea, 2,200 miles in ...th, with a branch to Jacobabad, and already the pro...sition is sanctioned by the Bolan Pass to Candahar. ...n the west things remain as they were when General ...ney surveyed the route, with the exception of the ...Canal, which we violently opposed, fortunately for ...lves and the world, without success.

...ivate enterprise has successfully, by a line of ...mers, connected the Euphrates and the Indus, and the ...duce of the grain-producing countries of Mesopotamia ...ing diverted from the port of Alexandretta by the ...mers of the Euphrates and Tigris Steam Navigation ...pany, which bring it down to the Persian Gulf.

...my letter to Lord Palmerston, dated June 30, 1857, ...h you were good enough to publish *in extenso* on the ...of July of that year, I wrote—"The establishment of ...lway from the Mediterranean to the Persian Gulf ...d have the effect of reducing the distance between ...country and India by upwards of a thousand miles, ...the time to about 14 days, or about half the time now ...pied," and that "it would be the means of consoli...g the power of the Sultan in his Asiatic dominions," ..."give England the first strategic position in the ...d."

...ch marvellous improvements have been made in our rail... and our steamboats since these words were written that I ...safely say that mails by the Euphrates Valley route (from ...Mediterranean to the Persian Gulf) would be landed at ...achee within 10 days after leaving London.

...e Anglo-Turkish Convention gives us a powerful hold ...Asiatic Turkey, and Lord Salisbury's recent vigorous ...n, coupled with Baker Pasha's appointment, shows ...the Porte is as desirous of giving effect to the ...ises of reform as we are resolute in demanding it. ...state of bankruptcy to which Turkey is reduced pre... the initiation of measures which necessitate pecuniary ...diture, yet until the trade of the country is de...ed her revenues cannot improve. From the earliest ...Asia Minor and Mesopotamia have been looked upon ...mong the wealthiest countries in the world. The ...ral wealth is enormous, yet remains hidden in the ...s of the earth. They might produce cotton enough ...the their neighbour, Russia, as well as Turkey, yet for ...of transport this and other vegetable produce lies ...g in the fields.

...rely, Sir, our duty towards India no less than towards ...y demands the completion of this line, which now ...ore than 20 years has been fully discussed. The neces...ty it has been demonstrated by soldiers, diplomatists ...ants, and travellers, and it was specially approved ...select committee of the House of Commons in 1872, ...wing to the apathy of the British Government, it has ...strangled in its birth.

...0 years ago the subject was one of vital importance, ...much more so is it now? Southern Afghanistan has ...d into our hands for ever; right or wrong, from it ...is no retreating, and we recognize our responsi...s by straightway connecting it with British India by ...n road. Our responsibilities in Asiatic Turkey are ...y grave; it is a connecting link in the chain which ...to bind India with England, and as such it is our ...not merely to develope its resources, but to utilize it ...r own Imperial ends. An alternative route to India ...shall make us independent of the Suez Canal is a ...al necessity, and when such a scheme will at the ...time tend to the improvement of our relations with, ...y and aid in the material prosperity of that country ...omotion becomes doubly advisable from a moral, a ...ercial, a political, or a strategical point of view.

A railway system which shall connect Constantinople with Kurrachee is in its entirety so gigantic a plan that statesmen as well as capitalists may well shrink from it, and the fact that the passage of troops or warlike stores through Europe from London to Constantinople would be impracticable in time of war owing to international law undoubtedly points to the necessity of a port on the Mediterranean which, commanded by the guns of a British fleet, shall afford a safe terminus to the railway at all times. Alexandretta is covered by Cyprus, and is only 140 miles from Balus on the Euphrates. Last July a steamer, carrying 20 tons of cargo and 100 passengers, essayed successfully the journey from a point on the Euphrates opposite to Bagdad (on the Tigris) to Balus, meeting with little difficulty, thus confirming in a most remarkable degree the plan as brought forward more than 20 years ago by General Chesney, Sir John M'Neill, and myself—viz., a railway from Alexandretta or Seleucia to Jaber Castle on the Euphrates, near Balus, supplemented by steamers on the great river to the Persian Gulf.

As a chain is made in links, so must the railway be completed in sections; a line from Alexandretta to Balus would connect the Mediterranean with the Euphrates, and at once diminish the enormous freight paid on the conveyance of goods by camels, especially between Aleppo and Alexandretta.

General Chesney, Sir John M'Neill, and an engineering staff surveyed the route and reported most favourably on it; its cost is estimated to be less than a million and a half sterling; its value cannot be gainsaid. If we are to aid in the regeneration of Turkey, what more feasible plan presents itself than the development of the internal resources of her provinces which lie on the high road to India? As you have said in your issue of the 21st of July, 1857, "the first outlay to connect the Mediterranean with the Euphrates is £1,400,000. This first section, by opening up a practical, although temporary, river transit, would test the whole matter in all human probability." Local traffic will more than suffice to pay the ordinary interest on this section; but if Government are in earnest in their endeavour to ameliorate the condition of the Porte, a guarantee of 3½ per cent., or about £50,000 a year, on this small sum would be more than repaid by the enhanced prosperity which would most undoubtedly result to the population of this almost virgin territory and the new marts which would be created for our commerce.

One more link in the chain which rivets India to England having been forged, the strategic advantage of Cyprus would be conspicuously displayed, the compactness and power of the Empire would be greatly promoted, and we should be prepared for the coming struggle, which will not be in the remote regions of Central Asia, but in the less-distant plains of Armenia or Mesopotamia.

I have the honour to be, &c.,

29, Bryanston-square. W. P. ANDREW.

THE EUPHRATES VALLEY ROUTE TO INDIA.

Mail. Dec 12.

TO THE EDITOR.

Sir,—I rejoice to see in *The Times* of to-day Mr. W. P. Andrew's letter on the above subject. The disposition to rely upon a water route only may some day land us in serious difficulty. However valuable the Suez Canal route may be—and it is in itself of the greatest value to us—in keeping up communication between the 34,000,000 British subjects in these happy islands and the 240,000,000 British subjects in Asia, yet the grounding of a large steamer may create a stoppage in it at any moment. This has been recently illustrated in the case of the Kaiser-i-Hind. But how much more serious the delay would be if one or more vessels were sunk in the canal or if the sides were blown in by hostile action at the same time! And this is a contingency to be reasonably contemplated if, in a time of difficulty and pressure, a hostile Power were to find it to its interest thus to block our communications.

There is for this reason an imperative necessity for establishing an alternative India route, and for many other reasons it is incumbent upon us to complete the shortest route and best rail route, in addition to maintaining the shortest water route between the English and Indian portions of the British Empire.

For instance, Turkey in Asia, with an area of 710,000 square miles, or eight times the area of the United Kingdom, comprises some of the fairest regions of the earth and the sites of the most ancient and prosperous monarchies, and it is only by the extension of railway communication through them that they can again be made prosperous and form fresh openings as they ought for British commerce. Mr. Gladstone has lately asserted that the wealth and strength of the British Empire are from within and that our possessions in Asia and elsewhere are a source of weakness to us. The merchants, producers, and manufacturers, who ought to know something on this subject, contend, with greater reason, that our future prosperity depends essentially in the opening out of fresh countries for trade and further avenues for commerce. The late serious period of depression has in this country been mainly caused by a want of demand on the part of our consumers, by competition with our rivals, and by the loss of the previous American demand. The high tariff indulged in at the expense of American citizens by the Government of the United States has contributed materially to this result. There is now a widespread feeling in Lancashire and other great manufacturing centres in favour of fresh enterprise with a view of creating markets in Africa, in Turkey in Asia, and in other undeveloped regions of our globe. The natural sequence to a British protectorate in Turkey in Asia is the construction of railways through that country. Under proper management such railways might be constructed to formation level by native labour at a cheap rate. The British officers to be employed in that country cannot do better service than by promoting and generally superintending works of that description, and it is our own fault if they are not made in the proper direction with a view to the four great objects in which all who are interested in true progress ought to concur—namely, (1) the moral and material improvement of that great and interesting country, Turkey in Asia; (2) the formation of an alternative, shorter, and quicker route between England and our Eastern possessions; (3) the opening out of fresh markets to and the supply of thirsty populations by the commerce and manufactures of Great Britain; and (4) the advantage to the rest of the world from obtaining the now unproduced or wasted resources of so large and so fair a portion of the surface of the earth.

I am, Sir, your obedient servant,

Pymmes-park, Edmonton, Dec. 8. H. W. TYLER.

Sent copy of despatch to Int Dept. for Bur of Ed
and any inclosure will be sent for perusal if desired
C. R.
to the Prof. May 14
made

No. 600. One Enclosure.

Legation of the United States.

Peking, February 21st, 1880.

DEPARTMENT OF STATE
APR
26
1880
RECEIVED

George F. Seward to
the Secretary of State.

Subject.

Progress of Western education in China.

Synopsis.

Mr. Seward forwards a report of the work done in the "Translation "Department" of the Shanghai Arsenal, and summarizes the efforts being made in different ways, at the expense of the Chinese Government, to educate their people

No. 600. One Enclosure.

Legation of the United States.

Peking, February 21st, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:

There has lately been published in the North China Daily News at Shanghai a statement, from the pen of Mr. John Fryer, of work done in the "Translations Department" of the Arsenal at Shanghai.

This so called Arsenal is a large establishment in which vessels of war are built, guns cast, and small arms made.

It

It employs, or did employ a few years ago on the occasion of my last visit to it, about fifteen hundred hands. These were all Chinese, with the exception of some half dozen superintendents and specialists. It had grown to these dimensions in a very few years, and appeared likely to receive the continued support of the Government.

I was aware that a scientific school and a department of translations had been established in connection with the Arsenal, but I was not prepared to learn that so much has been accomplished by the latter of these as appears from

from Mr. Freyer's report. Of what the school is doing I am not informed at the moment, but it appears that a very large number of our text books have been translated into Chinese in the Translation Department, and that the Chinese connected with it have shown a degree of zeal which promises much for the future.

While referring you to Mr. Freyer's very interesting paper for the details of this work, I may remark that the education of the Chinese in our knowledge is going forward in many ways. You are familiar with the facts in regard to the Educational 1/600.

Mission

Mission in the United States.
About one hundred and twenty
young Chinamen, supported
and paid by this Government,
are now in various schools and
colleges in our country, gaining
all that is available in the
way of knowledge from us,
to bring it into use here.
Perhaps half as many more are
studying in Europe. Here at
Peking the University presided
over by Mr. Martin is
progressing very favorably. There
is a school at Foochow
connected with the Arsenal there,
and another one at Canton.
All of these educational
enterprises are sustained by
the

the Government. Besides these, however, there are many schools, of a more or less advanced order, in charge of and supported by the several foreign missionary bodies where other branches than those directly connected with the moral and religious purposes of the missionaries are taught.

Educational work is fortunately of such a nature that its results are felt in a constantly increasing measure. It has been progressive everywhere else, and there is enough in Mr. Freyer's paper alone to show that it will be progressive here. The people are eager to avail themselves of the opportunities offered

offered to them, and the
Government appears as the
patron of Western knowledge.

Under such circumstances
it is possible to take a hopeful
view of the future of China,
despite all her conservatism.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Woods

Enclosure.

1. Report of Translation Department.
Shanghai Arsenal.

Weespalch No. 600.

ACCOUNT OF THE DEPARTMENT FOR THE TRANSLATION OF FOREIGN BOOKS AT THE KIANGNAN ARSENAL, SHANGHAI, 31st DECEMBER, 1879.

I.—Its History.

This department, which has for its object translation and publication of books ating to the Arts and Sciences of the was established towards the close of year 1867 mainly through the instru-ntality of Mr. Hsü and Mr. Hwa, ives of Wu-seih, and who at that time re on the staff of officials at the Kiang-n Arsenal. The causes which led to the mmencement of this important under-ing are, however, traceable to a much lier date. In fact to find a suitable rting point for its history it is necessary go back to the earlier portion of the es of those two Chinese gentlemen.

Wu-seih is an important city on the rders of the Ta Hu or Great lake, in the ovince of Kiangsu, and has long been ted for its industrial pursuits as well as e energy and enterprise of its inhabitants, ny of whom have emigrated to Japan at rious times. It was in this busy city t a little *coterie* of intelligent scholars s formed, all deploring the hollow and satisfying nature of the ordinary routine Chinese studies. They determined to sh their investigations in a more useful d promising field by endeavouring to come acquainted with the great laws of ture, and to gather as much information they possibly could respecting the vari-s branches of science and art.

Without organizing themselves into a ciety these aspirants for intellectual light ed to have occasional meetings of an formal kind for mutual improvement, ch person explaining any new facts or eas he had acquired. The works of the rly Jesuit fathers on Mathematics, Astro-omy, and kindred subjects were carefully ad, as well as original native works. But last, during a visit to Shanghai they und a valuable prize in Dr. Hobson's anslation of a treatise on Natural Philoso-hy, published at the London Mission Press Shanghai in the year 1855. This book, ough of a very elementary character, was e the dawn of a new era upon their inds, enabling them to leap at one bound ross the two centuries that had elapsed nce the Jesuit fathers commenced the task the intellectual enlightenment of China, d bringing them face to face with the sults of some of the great modern disco-ries. Apparatus was extemporized at eir homes to perform the various experi-ents described in its pages, and every w theory or law put to the test as far as eir limited means would permit. Fre-uent papers were written and circulated om one to another, while queries were ontinually started by individuals asking r more information on difficult subjects. pile of such manuscripts accumulated in he house of Mr. Hsü, who with his son rmed a sort of centre for this little asis in the midst of a vast desert of norance and superstition. Unfortunately, owever, these manuscripts were all de-royed when the Taiping rebels captured he city, and the little company were glad escape with their lives to the neighbour-g hills among which they found a tem-orary refuge. Even in these trying cir-umstances they were able to turn their nowledge to good account in different ays so as to alleviate their own hardships well as those of their fellow sufferers.

In the third moon of the first year of ung Chih, or 1862, an Imperial edict called pon the Governor-General of the Two-iang provinces to search throughout his risdiction for men of talent and ingenuity, nd versed in the arts and sciences, who hould assist in improving the condition of he Empire. H.E. Tseng-kwo-fan accord-gly selected six men whose names were ly forwarded to Peking. Among the umber were Mr. Hsü and Mr. Hwa, hose reputation as scientists had by this me extended far beyond their native wn. They were afterwards invited to an interview with the Governor-General at Anching, and were at once retained on his staff, with the view of their being able to study and perfect themselves in the more useful of the Foreign arts, sciences, and manufactures.

At that time the rebels were in possession of Nanking, and the surrounding country was in a most unsettled state, so that but little could be done in the direction of improvement or study. Mr. Hwa, however, was engaged with others in collecting and preparing such scientific books as China then possessed. This work was afterwards continued at Nanking, where, under the auspices of the Viceroy, an establishment was commenced for the publication of useful books. Many valuable books, such as Mr. Wylie's translation of Euclid, the Differential and Integral Calculus, Dr. Edkin's translation of Mechanics, and similar treatises have already been republished there and the establishment is still in operation. While Mr. Hwa was engaged in this kind of labour, Mr. Hsü was called upon to perform a task of a very different kind. The Viceroy required him to build a steamboat, and reluctantly he consented to make the attempt. He first made a model of an engine from the somewhat rough illustrations in Dr. Hobson's work before referred to. This proving to be a success, he was encouraged to proceed with the more difficult task assigned him. By means of Chinese tools and materials, and such ideas as he contrived to get through looking carefully over a small steamer at Anching, he managed to prepare his designs, and commenced his work with no foreign assistance whatever. He met with a most determined opposition from local officials, but, assisted by his son and encouraged by the Viceroy, who took a lively interest in the proceedings, the work was at length completed; not however without at least one entire failure. The steamer, which was of twenty-five tons measurement, was able at her trial trip on the Yangtaze in the year 1865 to make 255 *li* or about 85 miles in fourteen hours, and to do the return journey in less than eight hours. The Marquis Tsêng, now Ambassador to England, also took great interest in this little craft, giving her the highly classical name of "Wang Kao" or "Yellow Swan," and making several trips in her on the Yangtsze.

It will be readily granted that the experience gained under so many difficulties ought to have given Mr. Hsü and his son somewhat of an insight into foreign arts and sciences, and to have raised them far above the level of the best of their fellow-countrymen. Not contented, however, with the small stock of knowledge they felt they possessed, they made several visits to Shanghai, in some of which they were joined by Mr. Hwa, with the view to making new mental acquisitions. During these visits they made the acquaintance of Mr. Li Shan-lan, the celebrated native mathematician, who was then translating with Mr. Wylie and Dr. Williamson such works as Herschell's Astronomy, Euclid, the Calcula, Botany, &c., &c., at the London Mission. On these occasions they added largely to their intellectual attainments. They also gained many new ideas from other well known Sinologues as Doctor Edkins and the Rev. Messrs. Muirhead and John, for whom they often express much respect.

At length, deciding to settle in Shanghai for the convenience of carrying on their investigations and studies in the vicinity of foreigners, they obtained from H.E. Tseng Kwo-fan a mandate attaching them to the staff of officials at the Kiangnan Arsenal, which had been recently commenced. Here they arrived in the beginning of the year 1867, and soon endeavoured in connection with the Arsenal Directors Fung and Shen to organize methods by which their long cherished hopes might be realized and their thirst after knowledge satisfied. Their aspirations finally resolved themselves into a definite form and led them to devise a plan for the translation and publication of a series of treatises in the various branches of Western learning that should bear some resemblance to the "Encyclopædia Britannica" of which they had ordered a copy from England. In this manner they hoped not only to instruct themselves, but to diffuse the knowledge they had acquired with so much pains, among their fellow countrymen, and leave behind them a lasting name throughout the Empire. It was also imagined by them that such a series of treatises would prove especially useful [illegible] in various educational establishments of a high order which it was then hoped would soon be instituted in the different provinces.

This scheme was warmly taken up by the Directors of the Arsenal, who easily obtained the permission of the Viceroy to begin to carry it out on a small scale by way of experiment. Various foreign gentlemen were applied to for their services without success, till at last a commencement was made by Mr. Fryer, who at the time was editing the Chinese newspaper published at the *North-China Herald* Office, in Shanghai. He was asked to purchase a collection of suitable European books, and to begin at once to translate a work on Practical Geometry with Mr. Hsü, Junior. Subsequently Mr. A. Wylie's services were secured for a treatise on the Steam Engine with Mr. Hsü, Senior; while Dr. Macgowan undertook the translation of a work on Geology with Mr. Hwa.

These three books, which formed the beginning of this large undertaking, were translated at the residences of the Europeans above-named. It soon became manifest, however, that it would be impossible to carry on the work successfully except at the Kiangnan Arsenal where the books were to be printed and published, and which is distant about four miles from the Foreign Settlement. Here Mr. Fryer was pressed to give his whole time and attention to translation, and in June of 1868 commenced his labours in a building which was set apart for that purpose. The earliest publications gave such satisfaction to the Viceroy at Nanking that he ordered the operations of the Translation Department to be extended; the immediate result of which was the addition of Mr. (now Dr.) Kreyer to the regular staff. Subsequently, when the Government School for Interpreters had been removed from inside the Chinese city to the Arsenal, and Mr. (now Dr.) Allen's services had been re-engaged to conduct it, he was further asked to give a portion of his time to the work of translation. Dr. Kreyer, after rendering very effective service as a translator for some time, left his post for that of Interpreter to the Taotai of Shanghai, much to the loss of the department. The vacancy was afterwards filled by Dr. Suvoong a Chinese graduate from the United States, who has began to enrich the collection of books by translations of medical and other works, for which task his long residence and studies in America have well qualified him.

The number of native members of the staff has been subject to frequent changes. At present, there are five Chinese gentlemen who are engaged either in writing the translations or in preparing the various books for publication. Among this number, Mr. Hsü, Senior, is the only one who has remained constantly at his post from the commencement, and whose desire for knowledge does not yet appear to abate, although he is now well advanced in years. Others have worked for longer or shorter periods, and then have either grown tired of such monotonous labour, or have accepted official appointments that were offered to them. This continual changing has not been without injurious effect in some cases. Either important books have been left half finished, no one liking to take up another's work, or if finished, the manuscripts have been taken away, or passed from one to another, so that after the lapse of a year or two they cannot be found. Among the officials who have left the work for higher appointments may be mentioned H.E. Li, the present minister to Berlin; Mr. Hsü, Junior, who has gone to join him as Secretary, and who was lately Director of the Shantung Arsenal; Mr. Hwa, who has been a Director of the Tientsin Powder Works, and now is resident Curator of the Chinese Polytechnic Institution; Mr. Wang, who is a Director of the Tientsin Arsenal; and Mr. Hwang, an attaché of the Chinese Legation in London. The names of several other gentlemen in important positions might also be added; all of whom were at one time or another on the staff, and manifestly derived benefit from carrying on work which brought them into daily contact with Europeans. Viewed therefore merely in the light of an educational establishment, this department has been of much benefit to the Government by supplying so many intelligent and well-informed officials, all

or less imbued with favourable notions ecting foreigners, and a desire to see gn intercourse extended.

he history of Mr. Ka-pu-wei, who has for ral years worked in connection with Department, is almost as remarkable as of Mr. Hsü and Mr. Hwa. From his lhood he had a strong leaning to hematical studies; but owing to his not g in independent circumstances he was red to support himself by means of ness inside the city of Shanghai. Here ecuted his studies with such success, he was able to calculate eclipses and repare an almanac giving particulars ecting the movements of the heavenly es, which he ventured to publish. The ernment alone having the power to lish almanacs, and the country being he time unsettled by the Taiping Re- on he was charged with having designs nst the Imperial throne, and cast into on. He narrowly escaped with his life, suffered imprisonment for above a year, his friends could procure his release. is now chiefly engaged in compiling publishing a nautical almanac calculated the longitude of Shanghai instead of ing or Greenwich, and in preparing ous books of mathematical tables, for which his past studies and experiences well qualified him.

ually interesting is the history of Mr. han-lan, who was for a short time con- ed with the Translation Department re his removal to Peking as Professor lathematics in the University of that . He is a native of the province of kiang, and from his earliest years mani- d a most remarkable genius for the ce of numbers. In the year 1845 he n to publish original treatises embra- different problems in the higher mathe- ics. On one occasion when at Shanghai went to a Chapel where Dr. Medhurst preaching to a Chinese congregation showed him one of these works. This lted in his being engaged in the London ion where Mr. Wylie took him in hand, translated with him several mathema- works of the highest order, as well as schel's Outlines of Astronomy. With Edkins he translated Whewell's hanics, and with Dr. Williamson a work Botany. Nothing in the way of science ned to come amiss to him. Eventually ommenced Newton's Principia with Dr. lie, of which he only translated a small ion of the first book. The remainder of first book he finished at the Kiangnan enal with Mr. Fryer during the few ths of his connection with the Transla- Department. He seemed to enter into most intricate of its problems with the atest zest and enthusiasm, and often ressed his intense admiration for rton's genius. His skill in solving the t difficult mathematical questions that ld be given him was truly remarkable; course there are not many men of his bre to be found in China, but still no bt others will eventually be brought to t through the impulse which foreign rcourse is bringing to bear upon the nant minds of this long isolated nation. and then a lesser light than Li-shan- appears among the various visitors at Arsenal and it is reported that Ku- ng-chih a native of Chiu-shan is in ance of him; but this requires authen- tion.

he establishment where the books are ted in the old fashioned way from den blocks, from being a small room has grown into a separate range of buildings employs upwards of thirty hands as k cutters, printers, book-binders, &c., erintended by an under official. Another er official has charge of the books when nted, and is responsible for the money ived from their sale. About half a en copyists complete the *personnel* of the artment.

he library of foreign books consists of several hundreds of volumes, and s probably the best collection of the d in China. It is contemplated to make ensive additions shortly of recent im- tant publications.

may be mentioned that as a mark of perial favour, various honorary degrees rank have been conferred upon the ve and foreign members of the Trans- on Department in acknowledgment of value of their services. Mr. Fryer, Kreyer, and Dr. Allen received diplo- entitling them to wear the decorations of the 3rd, 4th and 5th degrees of civil rank respectively.

On various occasions some of the highest officials in the Empire have sent requests for books to be translated bearing on subjects in which they take particular interest. Notably this has been the case with H.E. Li Hung-chang. Among the high dignitaries who have expressed their satisfaction at the results attained by this department, it may be mentioned that on one occasion, when staying at the Kiangnan Arsenal, H.E. Ting Jih-chang expressed himself in strong language as to the importance which he attached to the translation of books compared with the work carried on in other departments.

The Marquis Tseng, who resided for a few days at the Arsenal in 1877, and has from the first been in favour of the undertaking, gave Mr. Fryer a Chinese fan on which he had written by way of compliment a verse of Chinese poetry of his own composition, and which may be freely translated as follows:—

"Nine years have elapsed since our last conversation,
"But your translations have been forwarded to me from time to time,
"May your fame surpass that of Verbiest and Schoel,
"As the electric light excels the spark of the glow-worm."

(To be continued.)

(Continued.)

II.—Its method of working.

It is a generally received opinion that the Chinese language presents extraordinary difficulties both in its acquisition by Europeans and in its use for the expression of the more exalted ideas of Western learning. The attempt to translate modern scientific or technical books into a language so ancient, so crude, and so inflexible, is regarded by many who have not given careful attention to the matter as almost absurd. It is readily granted by them that such subjects as the doctrines of Christianity, or affairs of a political nature, might be expressed easily in the language of a people among whom religion and diplomacy have for ages been carried to a considerable state of advancement. But from the almost total absence of native scientific literature and pursuits there is necessarily a paucity of scientific terms, and this appears at first sight to form an almost impassable barrier to the use of Chinese for scientific purposes. A little investigation, however, will show that this opinion is without foundation; and that from the time the early Jesuit missionaries commenced their compilations up to the present day no serious difficulties have been experienced by foreign translators.

The question of nomenclature, however, is one that naturally has to be met at the outset. If it were necessary to use only such terms as are to be found in standard Chinese dictionaries, or if it were forbidden to give any new shades of meaning to existing characters, the task of translation could never be accomplished. But it must be borne in mind that the Chinese, like other languages, is capable of growth. The increasing intercourse of China with Western nations is undoubtedly making vast additions to the number of words in current use. The Emperor, it is true, has the power of deciding the exact manner in which characters are to be written, and in various instances certain characters have been forbidden to be written in certain ways; but he is powerless to check the changes and additions that are now fast taking place in the language all over the Empire. Where it has become necessary to express a new idea, or to give a name to a new object in Chinese, there has always been found a way of managing the matter more or less satisfactorily; and hence some very clumsy specimens of nomenclature are gradually becoming current, especially among such natives as have much intercourse with foreigners. Of course all such new terms have to stand or fall on their own merits, and if radically wrong or misleading, they are pretty certain eventually to be supplanted by better ones. This is merely what naturally happens in the growth of all languages, and although many inconveniences necessarily occur when terms have to be changed, yet there seems to be no help for it. It will be remembered that when the English language began to borrow largely from Greek and Latin, many scientific and technical terms were coined which have since fallen into disuse or been supplanted by others. So it must necessarily be in China, in regard to the terms borrowed from the English or other languages.

It ought, however, to be possible for the pioneers of modern sciences and arts in China, by exercising great care and by working in harmony, to establish such a system of nomenclature that no very extensive alterations need be made in future years. A Chinaman of ordinary intelligence ought to be able to take up the translation of a work on such a subject as chemistry, for instance, and understand the nomenclature quite as well as a European of similar capacity, and, knowing nothing of chemistry, would understand the original when placed in his hands for the first time. Every new term being explained or defined only when first used, it would of course be useless for an ordinary Chinaman to begin in the middle of such a work and expect to understand everything he read. And yet not only Chinese but foreigners have been known to treat the translations published at the Arsenal in this way. Finding the nomenclature unintelligible to themselves or their Chinese friends, teachers, or writers, they have condemned all such attempts to express the higher branches of Western learning in Chinese as useless, and have come to the conclusion that the study of European languages is the only way in which satisfactory progress will ever be made in China.

Before commencing the work of the Translation Department it was seen to be necessary to establish a system by which the nomenclature to be employed should be determined. After considerable discussion the following plan was agreed upon by those who organized the department:—

1.—*Existing nomenclature.*—Where it is probable a term exists in Chinese, though not to be found in Dictionaries.

(*a*) To search in the principal native works on the arts and sciences, as well as those by the Jesuit missionaries and recent Protestant missionaries.

(*b*) To enquire of such Chinese merchants, manufacturers, mechanics, &c., &c., as would be likely to have the term in current use.

2.—*Coining of new terms.*—Where it becomes necessary to invent a new term there is a choice of three methods.

(*a*) Make a new character, the sound of which can be easily known from the phonetic portion, or use an existing but uncommon character, giving it a new meaning.

(*b*) Invent a descriptive term using as few characters as possible.

(*c*) Phoneticise the foreign term, using the sounds of the Mandarin dialect, and always endeavouring to employ the same character for the same sound as far as possible, giving preference to characters most used by previous translators or compilers.

All such invented terms to be regarded merely as provisional, and to be discarded if previously existing ones are discovered or better ones can be obtained.

3.—*Construction of a general vocabulary of terms, and list of proper names.*

During the translation of every book it is necessary that a list of all unusual terms or proper names employed should be carefully kept. These various lists should be gradually collected and formed into a complete volume for general use as well as with a view to publication.

Unfortunately the above plan has not been thoroughly or consistently carried out, and hence there exists much confusion in the works of the different translators already published, and which can only be partially rectified in future editions. This is greatly to be regretted, because the labour that would have been involved would have been trifling compared with the great advantages to be derived. It is to be hoped that the Chinese, as well as the foreign members of the Department, will in time appreciate the necessity of using the same terms invariably throughout the whole series of publications. It is manifest that the practical utility of each one's work depends greatly upon the extent to which the above rules have been observed.

It may be mentioned, by the way, that this confusion of terms is not confined to the Arsenal publications, but is to be found also in the scientific works of various missionaries. For instance, one would have thought that the nomenclature in Dr. Hobson's excellent work on Natural Philosophy.

efore referred to, would have been adopted
y future translators, in consideration not
nly of its excellence, but also for the
xtent to which his works are disseminated
nd the demand which at present exists
or them. But each translator of similar
orks in Chinese seems too much to imagine
at it is for himself alone to fix the terms
be employed without regard to those
ho have gone before over the same track.
, for example, we find the identical
rm employed by Dr. Hobson for nitrogen
used many years afterwards by another
qually eminent missionary scientist as the
rm for hydrogen. The difficulties thus
used to Chinese readers may be easily
agined. Yet while so much dissension
xists as to the proper term to be employed
or the Divine Being, it is not much to be
ondered at that such terms as those for
itrogen and hydrogen should be altered or
terchanged by any one just to suit his
wn particular fancy and regardless of
nsequences. It is to be hoped, however,
at these difficulties in nomenclature will
on begin to disappear, and that all who
ke part in this great work will act in
armony, so as willingly to accept such
rms as they find in existing works in
hinese unless really absurd. This, in fact,
ould only be acting in the same way that
cientists follow in all parts of the world by
ccepting one another's terms for newly
iscovered species in Natural History, or for
ther branches of learning. It is reported
hat some Protestant missionaries in Peking
ave consulted together and established
set of Chinese characters by which the
unds of foreign proper names are to be
ndered. But it is easy to see that this
t of characters can only be generally
ed for new names, and its value will
epend much upon its being based upon the
stems adopted by previous translators.

Next to nomenclature it may be well to
nsider the selection and arrangement of
e various works compiled or translated
the Kiangnan Arsenal. The original
ea was, as before stated, to prepare an
ncyclopædia that should bear some resem-
lance to the "Encyclopædia Britannica." It
as soon found, however, that many of the
eatises in the eighth edition of that valua-
e work were too elementary and too far be-
nd the times. It became necessary there-
re to translate from more modern and
mplete publications. Various high offi-
als asked to have works translated for
em on special subjects. Several treatises
ot considered sufficiently complete had to
supplemented by larger ones, and hence
e idea of an encyclopædia has gradually
en almost lost, while a miscellaneous col-
ction of translations and compilations
mbracing but a comparatively limited
nge of subjects has been the result. In
ost cases each translator and Chinese
riter seems merely to have selected
ch subjects as suited him best with-
t regard to the symmetry or harmony
the entire collection. There are thus
veral important subjects such as Natural
istory, Biography, etc., not yet noticed,
hile there are various treatises on others
at are of comparatively little importance.
s might be expected, military and naval
ience is one of the subjects that has
ceived a large share of attention.

The general defect about most of the pub-
cations is that they are far too elaborate
nd profound, and consequently can only be
derstood by few people, while the masses
n never master them. It was to remedy
is defect that the *Chinese Scientific*
agazine was commenced, although it
d no direct connection with this Depart-
ent. Recently some of the English
Science Primers" have been translated
y Dr. Allen, and will no doubt help to
pply the want. The "School and Text-
ook Series," however, will probably be
e chief means by which a lower and an
termediate grade of books on scientific
bjects will be furnished, and although
e series owes its origin to the missionary
nference held in Shanghai in 1877, it
s the two European members of the
anslation Department on its Managing
ommittee. To some extent this series
hen completed will therefore be supple-
entary to the publications from the
iangnan Arsenal; and it is arranged that
part of the series shall be printed at that
ace.

Next as to the manner in which the work of translation or compilation is carried on. The foreign translator, having first mastered his subject, sits down with the Chinese writer and dictates to him sentence by sentence, consulting with him wherever a difficulty arises as to the way the ideas ought to be expressed in Chinese, or explaining to him any point that happens to be beyond his comprehension. The manuscript is then revised by the Chinese writer, and any errors in style, etc., are corrected by him. In a few cases the translations have been carefully gone over again with the foreign translator, but in most instances such an amount of trouble has been avoided by the native writers, who, as a rule, are able to detect errors of any importance themselves, and who, it must be acknowledged, take great pains to make the style as clear and the information as accurate as possible. A fair copy having been made, the work is placed in the hands of the foreman of the printing department, who causes it to be written out on sheets of thin transparent paper in the large bold book characters of the Sung pattern, and pasted on blocks ready for the engraver. All illustrations, diagrams, etc., are drawn on the same paper, by an experienced draughtsman, and cut at the same time and on the same kind of blocks as the characters with which they are interspersed, as in foreign books. In case of steel engravings, such as those accompanying the last edition of Herschel's "Outlines of Astronomy," translated by Mr. Wylie, the illustrations have been printed in England from the original plates. The various charts have been printed from copper plates engraved at the Arsenal.

It may seem strange that with such facilities for printing in Chinese by metal type as exist in Shanghai, and with a complete fount of such type as well as a good cylinder press on the premises, these books are nevertheless cut on wooden blocks, and printed by hand in the old-fashioned way that existed in China for so many ages before printing was known in Europe. The fact is, however, that as a matter of economy and convenience the old system is preferable. The blocks are all of the same size, about eight inches wide, twelve inches long, and half an inch in thickness. Each block represents two leaves or four pages of the book, being engraved on both sides. The blocks for a complete work can thus be stowed away in a very small compass. The cost of engraving a page of these wooden blocks is said to be but little more than the expense of setting up a page of Chinese type and preparing it for the press. An edition of one copy can be printed if no more are required; and thus the expense of keeping a large stock of printed books on hand, some of which might perhaps eventually have to be sold as waste paper when they grew out of date, or revisions had to be made, as is the case among ourselves, is entirely avoided. Any errors or misprints that may be discovered can, as a rule, be corrected on the blocks with but very little trouble. A skilful printer can print by hand five thousand leaves of two pages each in a day, using no press or machinery whatever. He supplies his own tools, and receives as wages about twenty five dollar cents per day. The paper ordinarily used is white and of the best quality, although a yellowish kind is also made use of at a reduction of twenty five per cent. on the selling price. The books are bound in the usual Chinese style and fastened with white silk thread. They present an appearance which satisfies the taste of the most fastidious native.

(To be continued.)

(Concluded.)

III.—Its practical utility.

To those who regard the Chinese language as incapable of expressing modern Western learning, and who consider European languages to be the only medium through which the Chinese can become proficient in the arts and sciences, the establishment of the Translation Department necessarily appears to be a useless waste of time and money. To those again who grant the possibility of carrying on the work, but suppose that English is destined to become the universal language at no very distant period, or even before the close of the present century, this attempt to supply Chinese literature with the results of modern discoveries in science and art must of course appear to be conferring a mere transient advantage.

Carrying out these one-sided ideas, various philanthropical societies and individuals have confined their efforts to endeavouring to give a European education to such Chinese as they desired to benefit; while the Chinese Government has spent and is spending large sums of money in sending students to Europe and America. To meet present emergencies there is no doubt but that such plans are highly judicious; but they are not calculated to produce permanent advantages. The object in view has evidently been that these students on their return to China should impart the knowledge they have obtained to their fellow-countrymen. It cannot be denied that each of such individuals has received an incalculable amount of benefit to himself personally by this means. But on their return to China, these students have been as a rule too much Europeanized, and have not only taken but little interest in advancing the progress of Western learning, but have regarded their knowledge too much in the light of a monopoly out of which they could build up easy fortunes. There are some praiseworthy exceptions to this rule, it is true, but they are few and far between.

Granting however that every such student should return to China with a burning desire to benefit his fellow-countrymen, he would then, under the most favourable circumstances, be in no better a position than any European who had undergone a similar education, and had learnt the Chinese language effectively. It must further be borne in mind, that, according to the experience of those who have taught foreign languages to Chinese, they generally neglect their own language in proportion as they study a foreign one. The fact is too much overlooked that although these Europeanized natives may have graduated with honours in foreign seminaries or universities, they must nevertheless teach their countrymen by means of the Chinese language. Whatever text-books they employ must also be in Chinese, for it is absurd to suppose that the bulk of the population of China will discard their own national literature and learn European languages. A literature which is the accumulation of millenniums, of which they may justly be proud, and on which the very life of the Government depends, is not to be heedlessly cast aside for a foreign one all the while that China remains a free and despotic power. The likelihood of the Middle Kingdom being conquered and ruled by foreign powers so as to have the literature and language of the conquerors forced upon her, is a contingency so remote that it is useless to give it any consideration whatever.

It is therefore no difficult matter to see that the translation and publication of books in Chinese as it is carried on at the Kiangnan Arsenal and other places is the great means by which the intellectual stagnation of China is to be broken up. This work must necessarily go on and increase rapidly now that a current of thought has begun to set in. As long as foreigners have any knowledge to impart what is of real advantage to the Chinese, so long will the Chinese make efforts to obtain it; for the more the Celestial mind drinks at this fountain the greater will become its thirst for further supplies.

The fact that this Translation Department has been established and kept up so long by the Government argues well for the future prospects of China; as it shows that whatever may be the national pride in her antiquated literature, or whatever may be her attitude towards the diplomatists of foreign powers, or the missionaries of foreign religions, she recognises the fact that knowledge is confined to no nation or country. She is therefore willing to be taught even by the "foreign barbarian" such useful things as she feels she is ignorant of. But she must do this of her own accord, and in her own way, or not at all. It is a matter in which she is not to be dictated to as in the case of treaties or missionary rights. She has

ly availed of what she has considered
ecial, and has not been sparing in
ds to enable knowledge to be dis-
inated throughout the Empire. This
llingness to be taught, and to pay for
ng taught, is one of the most hopeful
tures that has appeared in her inter-
rse with foreign countries, and is deser-
g of the highest commendation.

work at the Translation Department
present only in its infancy; but
ugh has been done to establish a founda-
n upon which a large and important struc-
e will eventually arise. Having been
mmenced and carried on only in obedi-
e to a natural and instinctive desire for
owledge, it ought to go on harmoniously
h the course of events, and prove a power-
lever in the regeneration of China. The
ge number of copies of works sold at
t price without any attempt to bring
m before the public notice, evinces the
preciation of the masses of the people;
a Chinaman is very slow in parting with
dollars for what he does not value or
mire, or derive benefit from in some way
other. It would be strange if the
owledge that has only been acquired by
h vast expenditure of thought and
bour by Western nations did not make
value felt among the Chinese; for by
ans of these books they can in some
ngs place themselves on a level with
reigners without going through the dif-
ulties attending discoverers and inven-
rs.

It is gratifying to find that some of these
nslations have already found their way
text-books in the Peking University and
the higher kinds of mission schools.
r example, the work on Trigonometry
s been used to advantage in Mr. Mateer's
hool at Tangchow. Mr. Wherry, who
s had charge of this school during Mr.
teer's absence, and is an excellent
thematician, writes to the translator as
llows:—

"I have been taking a class this present
ession through your translation of
Hymer's Trigonometry. In some respects
I like the book very well. I have cor-
rected some errors which have crept into
the translation, and which I suppose only
a careful study of the work in a class-
room would be likely to detect. I am
surprised that there are so few, as it
must have been a laborious task to bring
down an abstruse mathematical treatise
to the comprehension of a Chinese
scribe." It is to be regretted that there
e not more schools of the high standard
Mr. Mateer's connected with the various
ssionary stations, and where the Arsenal
oks could be used.

It may be mentioned that a considerable
mber of the various mathematical publi-
ions was disposed of at Nanking by the
e Mr. Whiting, to students preparing
r examinations. It appeared that one of
e higher officials there started a school
r mathematical and other subjects, and
s at great pains to promote their study,
ering sufficient inducements to make it
rth while to purchase so many books.
is to be hoped that this school, which
s established under the auspices of the
overnment, is still in existence.

Strange to say, there are schools which
ve existed for several years in the Kiang-
n Arsenal where these books are pub-
hed, and which teach such subjects as
aval Architecture, Marine Engineering,
ilitary Science, etc., without making any
e of these translations. They are taught
foreigners who neither speak nor write
inese, to scholars who had to begin with
knowledge of foreign languages. The
ct that such classes are carried on in close
oximity to this Department would seem
furnish a strong proof of the uselessness
the whole work of translation. Like
ny other things in China, it is difficult
account for. It must be acknowledged,
wever, that some of these scholars have
de very fair progress in their studies
d reflect great credit on their instructors,
o have laboured under such immense
disadvantages.

On the other hand, copies of these trans-
ions are often to be found in the libraries
eminent literary men and officials all
er the Empire, and also in the Chinese
reading rooms at Shanghai, Amoy, and Chefoo. The Reading Room in Shanghai is in connection with the Chinese Polytechnic Institution, and has the advantage of having Mr. Hwa, the Chinese writer of no less than ten of the translations, living on the premises ready to explain any of the works to visitors who may not be able to understand them. In fact, this institution, though started by foreign influence, and helped at first by subscriptions from the foreign community, is now to a great extent, the result of Mr. Hsü's indefatigable labours. It is hoped that ere long, regularly organized classes will be established there, in which the systematic study of these translations will be carried on. Mr. Hsü and Mr. Hwa have made it a life work to increase their own knowledge and to give their country the benefit of their studies. With an institution in which their own translations as well as those of others can be taught with all the conveniences of an elaborate collection of scientific apparatus, they may well hope for permanent success, and to reap their reward in the gratitude of their fellow-countrymen.

Another cheering feature in connection with the Translation Department is that it is not the only undertaking of the kind in China. Even before it had fairly commenced, Dr. Martin, the President of the Peking University, had begun to publish works on Natural Science and International Law. Both he and his fellow-helpers have since published various works on scientific and diplomatic subjects which have become popular and have proved of great utility to the Government. Their translations are of a high standard, and are conducted in a style which renders them acceptable to literary men and officials of the highest grade. It is to be regretted that no detailed account of this important work that has been carried on in Peking for so many years appears to have yet been given to the public. Various other protestant missionaries have done a great service to the country by their long list of published translations in Chinese. The names of at least half a dozen of them will be handed down to future generations as the foremost pioneers of the spread of Western arts and sciences in the "Flowery Land."

The establishment of Chinese Legations at the courts of all the great treaty powers, and the creation of Chinese professorships at the Oxford, London, Paris, and Harvard Universities, are events which show the increasing importance of the study of the Chinese language. It is therefore not in vain to hope, that in foreign countries, as well as in China, the work of supplying useful knowledge to the Chinese by means of their own language will eventually be carried on to an extent which may bear some reasonable proportion to the size and needs of the "Middle Kingdom."

One of the latest and most promising of the schemes which have a similar object in view to the Translation Department is that previously alluded to, namely, the supplying a series of upwards of forty school and text books chiefly for use in mission schools, but still of a character suitable to the wants of the nation at large.

It is, however, to the future that we must look for the chief part of the practical utility of all this translation work. Such a vast nation as the Chinese is not to be started into motion, and made to follow in the wake of Western civilization all at once. Generation after generation will have to come and go before the complete transformation will be effected, and the intellectual as well as the physical resources of the country will be turned to the best account. Hereditary tendencies in a wrong direction are not to be eradicated without a long series of struggles. The system of ignoring everything but the Four Books and the Five Classics at the Government examinations, which are the passports to the highest offices in the State is not destined to last for ever. By patiently working on, even the present generation of foreigners engaged in this laborious task of spreading intellectual light may hope to see much good resulting from their efforts. If they do not live to see Western learning occupying the position it ought to do in Government examinations, they may yet see it holding a prominent place.

The work of translating and compiling scientific books in Chinese is for the time being perhaps about as dull and unthankful a task as any foreigner could engage in, especially at such a secluded place as the Kiangnan Arsenal, and under the depressing influences of the climate of this part of China. Nothing but a strong sense of duty, and a firm belief that this kind of labour is one of the most effective means under the Divine guidance for bringing about the intellectual and moral regeneration of this great country, has sufficed to render endurable to the translators the long and weary years of close and continuous application which it has involved.

IV.—Statistics.

The Translation Department, although established at the Arsenal in the year 1868, did not commence the publication of books till the year 1871, when a treatise on Practical Geometry and another on Coal and Coal Mining made their appearance. From that date up to the present time the work of publication has gone on uninterruptedly. The statistics have been carefully arranged in three lists, which, however, are too cumbersome for insertion in the columns of a newspaper, but will be published shortly, together with this account, in the form of a pamphlet. These lists of books may be briefly summarized as follows:—

List No. 1 gives the Chinese and foreign titles of each of the books already published, together with the author's name, the translator or compiler's name, the Chinese writer's name, the date of publication, the number of volumes, the number of copies sold up to 30th June, 1879, and the price in *cash* per copy. From these data it appears that 98 works are already published and are comprised in 235 volumes—a Chinese volume generally consisting of 120 to 200 pages, and representing perhaps on an average about the same number of pages as an ordinary English work in octavo with small pica type. Of course the style of the original as well as the style of translation may be such as to render this approximation rather wide of the mark.

The number of copies of works sold up to the end of June last, amounts to 31,111, representing 83,454 volumes. The number of maps and charts published amounts to 27 sheets; most of them being adaptations of the charts of the British Admiralty, and printed from copper plates engraved at the Arsenal. Of these there have been already sold 4,774 sheets. The sum realized by the sale of these books and charts, reckoning from the prices specified, should amount to nearly $17,500.

The sales that have taken place up to the present time, though considerable, are nothing when compared with what might have been expected among such an extensive population. But with no regular means of communication, no postal or railway arrangements, no agencies, and no advertisements or other means of bringing them into general notice, or distributing them, it is easy to understand why more have not already been disposed of.

The various periodicals or summaries of foreign news, etc., are not reckoned in the above numbers. From three to five hundred copies of these newspapers or periodicals are published regularly at the Arsenal at stated times, and distributed gratuitously to various officials both in the vicinity of Shanghai and in distant provinces.

List No. 2 shows the particulars respecting 45 works that have been translated but are not yet published. These works will form about 142 Chinese volumes and are at present in various stages of preparation.

List No. 3 gives the names of 13 works which are now in the course of translation, and of which about 34 volumes are already completed.

The above mentioned three lists may be summarized according to subjects as follows:—

Subjects.	List 1, published.		List 2, unpublished.		List 3, in course of translation.	
	Works	Vols.	Works	Vols.	Works	Vols. completed.
Mathematics, Surveying, &c.	22	53	2	9	3	5
	7	17	6	6	1	2

Mathematics, Surveying, &c.	22	52	2	8	3	5
Engineering, &c.	7	17	3	6	1	2
Chemistry, &c.	5	19	1	1	1	4
Geography, &c.	8	12*	0	0	2	9
Geology, Mining, &c.	5	20	0	0	0	0
Astronomy, Navigation, &c.	9	27	3	4	0	0
Physical Science	6	14	4	5	1	1
Medicine	2	8	1	6	2	10
Arts and Manufactures	13	15	9	26	0	0
Naval & Military Science	15	41	9	20	2	2
Chronology, News summaries, &c.	6	10	1	1	0	0
Naval Architecture	0	0	3	13	1	1
History	0	0	5	13	0	0
International Law	0	0	2	26	0	0
Miscellaneous	0	0	2	2	0	0
Total	98	235	45	142	13	34

* And 27 charts.

A list has also been prepared of the 42 secular works that are about to be issued by the Committee of "The School and Textbook Series," and another list containing the names and descriptions of the various works on the sciences and arts that have been published in Chinese by missionaries and other foreigners at the different ports, and are now on sale. These two lists are also too unwieldy for the columns of a newspaper, but will be appended to the pamphlet before alluded to.

This account of twelve years' labour at the Kiangnan Arsenal is to be regarded as entirely unofficial, and is only published in the hope that it may prove of service to those who are engaged in, or take an interest in, the work of imparting Western knowledge to the Chinese.

JOHN FRYER.

file Ack

made

No. 601. One Enclosure.

Legation of the United States.

DEPARTMENT OF STATE
APR 26 1880
RECEIVED

Peking, February 23rd, 1880.

George F. Seward to

the Secretary of State.

Subject.

Ching Hou's case. Precedent established in the case of Ki Ying.

Synopsis.

Mr. Seward summarizes the procedure followed by the Chinese Government in regard to Ki Ying, condemned to death in 1858, and indicates the bearings of his case upon that of Ching Hou.

No. 601. One Enclosure.

Legation of the United States.

Peking, February 23rd, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

In reporting to you the charge advanced against Chung Hou — that he left his post without permission — I have adverted to the case of Ki Ying, who was sentenced to death upon a similar charge in 1858.

The officer in question was one of the Commissioners who negotiated the British Treaty of 1842., and it was he who negotiated

negotiated and signed our treaty of 1844., that of France of the same year, and the Swedish treaty of 1847. He seems to have impressed the English very favorably, and he is more than once spoken of with commendation by Mr. & Cushing. His continued service at a time of much gravity in Chinese affairs indicates that he was well esteemed at Court.

His next appearance in connection with foreign affairs was at Tientsin in 1858., where he was sent to take part in & negotiations pending between China and the four leading treaty Powers. At the moment Lord Elgin and Baron Gros, the Ministers respectively

of

of England and France, were dealing very urgently with the Chinese Commissioners, Kwei Liang and Hwa Shana. Our own Minister, Hon. Reed, and the Russian, Count Poutiatine, were also on the spot, and conducting negotiations, but with no other pressure than that which might be incidentally due to the more positive attitude of the English and French.

Ki Ying had in the interval grown old and decrepit. He is described by Hon. Wade and Hon. Lay, Interpreters of the British Legation, in a Minute dated June 9th, 1858 (Blue Book 1857-9.) as "seventy two years of

"of age, and apparently much
"broken, walking and even
"standing with difficulty, and very
"blind". Mr. Reed says (despatch
of June 15th, 1858.) "He bears the
"marks of extreme decrepitude,
"both bodily and, I think,
"intellectually, though he has
"much of the urbanity of manner
"for which he was celebrated".

For whatever reasons the English and French Ministers were indisposed to enter upon relations with Ki Ying. Lord Elgin intimates that he did not come sustained by the full powers which he should have held. (Blue Book, 1857-9. page 321.) Mr. Reed states simply:- "Lord Elgin

"Elgin and Baron Gros refused to
"see or have any intercourse with
"him. I incline to think that they
"rest their refusal on the facts
"revealed in the intercepted
"documents at Canton". He is not
quite right in this declaration,
for the Blue Book mentioned
above contains some two or three
letters addressed to Lord Elgin by
the three Chinese Commissioners,
and at least one addressed by
him to them, but I find nothing
that indicates that calls were
exchanged by Ki Ying with
Lord Elgin or Baron Gros, and
the inference is that none were
exchanged.

The same Blue Book
contains

contains several of the "intercepted "documents" mentioned by Gen. Reed. One of these is a Memorial addressed by Ki Ying to the Throne in 1844. (page 175.) It is no better and no worse than might have been expected at the moment. It relates at some length the expedients to which Ki Ying had been obliged to resort in dealing with the English, American, and French Ministers. It speaks of them as the "barbarian Envoys," recites some of their customs and altogether is such a letter as a Chinese Minister, shrewd enough to know his own interests, would address to a ruler with whom gross ignorance of

of foreign states and great dislike of foreign relations prevailed.

Mr. Reed inclines to think that Ki Ying was appointed to act at Tientsin, because "he was expected to "have great influence with "foreigners," and that his inclination would be to endeavor "to restore himself to Imperial "favor by exacting more than "others." Ki Ying himself told the story of his appointment to Messrs. Wade and Low as follows:- "He then proceeded to detail with "great volubility all that he had "undergone for some time as a "suspected traitor in foreign interest

"interest. So lately as 1856. some
"one had accused him of
"receiving a bribe of 40.000 taels
"from the English. He had been
"thrown into prison, his sons had
"been imprisoned, he had
"contemplated suicide, and he had
"now been sent here because, as
"he understood, his name had
"been mentioned in a recent
"despatch of Lord Elgin's.
× × × × "The
"Emperor had told him that
"if he did not settle this business
"satisfactorily, he should lose
"his head."

The tragic results of Ki Ying's mission are related by Mr. Reed as follows:- "In my last

"last despatch I mentioned the
"fact that Ki Ying had been
"accredited a joint Imperial
"Commissioner, had arrived
"in this city, and that I had
"an interview with him. A
"day or two afterwards it was
"understood that he had returned
"to the Capital, was arrested on
"his way, and had been brought
"to trial for some offence, not
"very intelligible, against the
"Imperial authority. I annex
"to this despatch a copy of the
"decree degrading him and &
"ordering his trial. Since that,
"it is known that he has been
"formally adjudged to death, but
"it is not ascertained whether

the

"the judgment has been executed.
"He had probably fallen a victim
"to some Court intrigue, the
"ostensible reason for his
"punishment being that, through
"his agency, some eighteen years
"ago, China was in a measure
"opened to foreigners."

The sentence of death, announced by Sir. Reed, was not executed literally, but it is understood that, as an act of "grace", Ki Ying was allowed to strangle himself.

For your convenience, 1/Col. I append hereto a copy of the Imperial decree mentioned above. You will see that it alleges no other offense against Ki Ying

than

than that of having had "the
"presumption to return to the
"Capital" before the conclusion
of negotiations. It foreshadows
clearly the judgment which
would be reached — the very
result which the Emperor had
announced to Ki Ying in advance,
as the penalty for failure.

How far this sentence
was passed in direct view of
Ki Ying's offence cannot be
told. It is not impossible that
he was put forward for the
duty at Tientsin as the result
of intrigue, and that he was
sacrificed as the result of
further efforts in the same
direction. Yet in China the law

follows

follows, or is supposed to follow, rigid lines, and it must be admitted that its victim, in this instance, suffered for the alleged offense of deserting his post, an offense for which persons in the military service are punished with death in China and elsewhere, and which may seem to them no less venial when perpetrated by a civil agent charged with a particularly responsible duty.

In view of the precedent established in the case of Ki Ying, the great anxiety felt by the foreign Representatives here in regard to the fate of Chung Hou will be

be appreciated by you.

I have the honor to be,

Sir,

Your obedient servant.

Georgs F. Edwards

Enclosure.

1. Imperial Decree ordering Yü Ying to be tried.

June 12th, 1858.

Despatch No. 601.
Enclosure.

Decree ordering Ki Ying to be tried

Though We, the Emperor, knew Ki ying had many deficiencies, we still saw fit to appoint him to manage the affairs of foreigners, even though he expressed some doubts as to his ability to fill the post. Before the great points in debate with the foreigners had been concluded, and without waiting for the expression of our will, he has had the presumption to return to the Capital, by which act he has not only slighted Our favor, but has put Us to shame in the eyes of the world, and thereby in fact hastened his own death. Let San Ko lin tsin (the Mongol Generalissimo) at once send a serjeant to bring Ki ying in fetters, and when he is brought to Peking, let him be handed over to the General Council of State, that they may in conjunction with the Imperial clan and the Board of Punishments examine him and then report to the Throne. The employment of Kiying

was

was somewhat forced upon Us on the present occasion, and We therefore hoped he would have done honor to the trust. The Prince Hwui and others assured us of his capability, and yet the entire management of the affair has come upon Ourself. The mortification, from not having better foreseen this result, is inexpressible; and those officers themselves shall not escape without some slight punishment for their indiscriminate praise of him. Let the general voice be listened to. Prince Hwui need no longer attend to the management of the Palace and the Hall of Peace, but let him, with Prince Tsai Yinen and Tuan Hwa of the Guards, be all handed over to the Clan Board for examination. The Cabinet Ministers Pang Wan Chang and Peh-tsin, Muhyin of the Board of Civil Office, and Tuhan of the Board of Works, are also all to be turned over to the proper Boards for examination and punishment.

This from the Emperor.

Dated about June 12th, 1858

To Navy Dept May 13. 1880. Wm Hayward / Inform Navy Dept

Made

No. 602.

Legation of the United States.

Peking, February 23d, 1880.

DEPARTMENT OF STATE APR 26 1880 RECEIVED

George F. Seward to the Secretary of State.

Subject.

Commodore Beaumont's signal codes.

Synopsis.

Refering to Department instruction number 325. Mr. Seward explains that the action taken by him was in view of the fact that the Chinese Government has uniformly declined to adopt any systems of this or similar kinds.

No. 602.

Legation of the United States.

Peking, February 23rd, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

Recurring to your despatch number 325. in regard to "Commodore Beaumonts proposed "International Alphabet" and "Fog "Signals", I beg leave to state that the Chinese Government is averse to taking such action as that suggested in your instruction. Efforts heretofore made to secure the adoption of the "Collision Code" have failed, although it is generally observed

observed, not only by foreign vessels on this coast, but also by those of foreign build owned by Chinese.

Under these circumstances it would seem useless to present to them, at the moment, Commodore Beaumont's Codes, but I shall keep the subject in mind and, if an opportunity occurs, take the action called for by your instruction.

I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Ewart

Ack & note in case question
should again arise. C.P.

Mr Adee
&
Mr Wood

No. 603.

Legation of the United States.

Peking, February 23d, 1880.

DEPARTMENT OF STATE
APR
26
1880
RECEIVED

George F. Seward to
the Secretary of State.

Subject.

Vice Consul at Chinkiang.

Synopsis.

In reference to Department instruction
number 327
603, Mr. Seward makes
certain explanations, and states that
in his opinion, no Vice Consul is
needed there.

No. 603.

Legation of the United States.

Peking, February 23rd, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

Recurring to your instruction, number 327, in relation to the appointment of a Vice Consul at Chinkiang, I beg leave to express the hope that the Department will bear in mind, in passing upon the matter, the exceptional conditions affecting consular work which exist here. In such case I ful confident that the expression of opinion at the close

of

of my despatch number 488, "that
"we ought in China to make no
"mercantile appointments to
"Consular positions where we can as
"well avoid it" will be fully
sustained by the Department.

I see no reason to change
the further opinion, expressed in
my despatch, number 488, that
our interests at Chinkeang are
so small that the appointment
of a Vice Consul is unnecessary.

I have the honor to be,

Sir,

Your obedient servant.

George F. Read

Ack

Made

No. 604. Two Enclosures.

Legation of the United States.

Peking, February 23rd, 1880.

DEPARTMENT OF STATE
APR 26 1880
RECEIVED

George F. Seward to the Secretary of State.

Subject.

New Minister appointed to the Foreign Office.

Synopsis.

Li Hung tsao, who retired from office some time since, because of the death of his mother, has been reappointed a member of the Foreign Office.

of my despatch number 488, "that
"we ought in China to make no
"mercantile appointments to
"Consular positions where we can as
"well avoid it" will be fully
sustained by the Department.

I see no reason to change
the further opinion, expressed in
my despatch, number 488., that
our interests at Chinkeang are
so small that the appointment
of a Vice Consul is unnecessary.

I have the honor to be,

Sir,

Your obedient servant.

George F. Seward

Ack

Wade

No. 604. Two Enclosures.

Legation of the United States.

DEPARTMENT OF STATE
APR 26 1880
RECEIVED

Peking, February 23rd, 1880.

George F. Seward to the Secretary of State.

Subject.

New Minister appointed to the Foreign Office.

Synopsis.

Li Hung tsao, who retired from office some time since, because of the death of his mother, has been reappointed a member of the Foreign Office.

No. 604. Two Enclosures.

Legation of the United States.

Peking, February 23rd, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have the honor to hand to you herewith a letter which 1/604. I have received from H. I. H. Prince Kung, stating that Li Hung tsao, a former member of the Foreign Office, who, in accordance with usage, retired about two years ago on account of the death of his mother, has been reappointed a member of the Yamen.

I

I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Seward

Enclosures.

1. Prince Kung to Mr. Seward
17/1880. February 19th, 1880.
2. Mr. Seward in reply.
18/1880. February 20th, 1880.

Despatch No. 604.

Enclosure 1.

17/1880.

Prince Kung Chief Secretary of State for Foreign Affairs herewith makes a communication.

Upon the 17th inst. I had the honor to receive, through the Grand Secretariat, an Imperial Decree in language as follows: "Let Li Hung Tsao, ex President of the "Board of Works be again appointed a "Minister of the Foreign Office".

Respect this!

I beg leave to communicate the above for the information of H. E.

H. E. George F. Seward,
&c &c &c &c.

Peking, February 19th, 1880.

Despatch No. 604.
Inclosure 2.

18/1880.

Mr. Seward to Prince Kung.

February 20th, 1880.

I have had the honor to receive Y. I. H. despatch of the 19th instant, informing me that His Imperial Majesty has been pleased to reappoint Li Hung Tsao to be a Minister of the Foreign Office.

I have, etc.

(signed) George F. Seward.

Ack

Mr Adee

No. 605. One Enclosure.

Legation of the United States.

Peking, February 23rd, 1880.

George F. Seward to the Secretary of State.

Subject.

Chung Hou's case.

PRINTED.
FOREIGN RELATIONS
1880

Synopsis.

Mr. Seward refers to a letter addressed by him to Prince Kung, and encloses a translation of the response which has been received.

No. 605. One Enclosure.

Legation of the United States.

Peking, February 23rd, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to hand to you herewith a copy of the 1/605. response made by the Foreign Office to my letter in regard to the case of Ch'ung Hou. My colleagues, the English, German and French Representatives, have received notes of the same tenor.

While the fate of Ch'ung Hou is not yet known, it seems to me that the determination reached by

by the Government to reopen negotiations with Russia, and the knowledge that extreme measures in his case would cause general dissatisfaction, and affect prejudicially their further representations at St Petersburg, indicate that the moment of gravest danger for him has passed.

I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Seward

Enclosure.

1. Prince Kung to Mr. Seward.
Informal. February 16th, 1880.

Despatch No. 605,
Enclosure.

Informal 9/1880.

Prince Kung to Mr. Seward.

February 16th, 1880.

I have had the honor to receive
Y. Excellency's note touching certain
matters which concern the Governments
of China and Russia, and the punishment
to be dealt to H. E. Chung How, in which
Y. E. manifests much interest and anxiety.

The Ministers and I beg leave to
express our highest appreciation for the
faithful friendship and regard for the
good or ill fortune of China so fully
manifested by Y. E.

The matters mentioned above have
been, by an Imperial Decree, referred to a
Council, and although a line of action
has not yet been determined upon, yet
it is certainly to be hoped that the present
circumstances may be considered, and a
reasonable and satisfactory course pursued.

In this the Ministers and myself
are of one opinion with Y. E.

Being aware that these matters have

(received)

received the serious attention of Y. E. I beg leave in the first instance to make reply as above.

Cards and compliments.

ask

made

No. 606. Three Enclosures.

Legation of the United States.

DEPARTMENT OF STATE
APR 26 1880
RECEIVED

Peking, February 23rd, 1880.

George F. Seward to

the Secretary of State.

PRINTED.
FOREIGN RELATIONS.
1880

Subject.

Kuldja Treaty. Chung How's case.

Synopsis.

Mr. Seward forwards translations of three Imperial decrees referring to the subject mentioned.

No. 606. Three Enclosures.

Legation of the United States.

Peking, February 23rd, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have the honor to hand to you herewith three Imperial Decrees in regard to the Kuldja Treaty and Chung How's case, which were issued on the 15th instant. 1./2./3./606.

You will notice that the Chinese have rejected, practically, the Kuldja Treaty, and have directed their Minister at London to proceed to St Petersburg to reopen

reopen negotiations.

You will see, also, that Chung How is now said to have exceeded his instructions, and that he is turned over to an extraordinary Council for trial.

I have the honor to be,

Sir,

Your obedient servant.

George F. Seward

Enclosures.

1. Decree. Kuldja Treaty.
2. Decree. Chung How's case
3. Decree. do. do. do.

Despatch No. 606;
Inclosure 1.

An Imperial Decree

Their Imperial Highnesses,
The Empress Dowager and
The Empress Mother.

Decree.

It was ordered in an earlier Edict that the report of the Council composed of the Grand Secretariat, the Six Boards, the Nine Lower Courts, and the Hanlin Academy, upon the treaty concluded by Chung How, together with the Memorials sent to Us, by the various officials of higher and lower grades, be referred to the Princes of the first and second ranks, the Ministers of the Imperial Presence, the Privy Council of States, the Prince and Ministers of the Foreign Office and the Presidents of the Six Boards, the Nine Lower Courts and the Censorate for careful and proper consideration, and that Prince Chung take part in their deliberations.

We have now received their Memorial in report, and a Memorial

(of

of the same tenor from Prince Chung, both of which state that, in the Treaty and Regulations concluded by Chung How while abroad as Our Envoy by Our Command, there are points in which he violated Our instructions and exceeded his powers. Reports have also been received from officials of high and low grade in the Capital and Provinces all declaring that the Treaty contains much that is objectionable and impracticable.

Let the Marquis Tseng &c. &c. &c. go at once to Russia and deal with the matters which demand attention.

It is to be hoped that, in view of the serious importance of international affairs that a satisfactory solution may be reached by him.

Respect this.

February 15th, 1880.

Despatch No. 606.
Inclosure 2.

An Imperial Decree,

Some time since because Chung-How, without awaiting the Imperial Will, ventured of his own motion to return to this Capital, We decreed that he be deprived of rank, arrested, examined, and handed over to the Board of Punishments to be dealt with for his offence.

The Board of Punishments now memorialize Us, in reply that the " circumstances in the case of the degraded officer named are of the gravest nature, and they pray that the Princes and High " ministers of State be directed to take cognizance of the business.

At the same moment We received the Memorial report conjointly sealed of the High Council of Princes and Ministers of State to the effect that Chung How, who went abroad by the Imperial Will to " manage certain matters, violated his " instructions and exceeded his powers in the most serious manner.

Let the Princes of the first and second

(grades

grades, the Ministers of the Imperial Presence, the Privy Council of State, the Prince and Ministers of the Foreign Office, the Grand Secretariat, and the Presidents of the Six Boards and the Censorate consider what punishment shall be inflicted upon the degraded official in question and report to Us.

Respect this.

Peking, February 15th, 1880.

Dispatch No. 606
Enclosure 3.

An Imperial Decree.

Their Imperial Highnesses,
The Empress Dowager and
The Empress Mother,

Decree:

In the deliberations of the High Council as to the punishment to be inflicted upon Chung How, let Prince Chung take part, and report to Us.

Respect this!

February 15th, 1880.

Recd April 30 Approved C.P. Adee

No. 607 Three Enclosures.

Legation of the United States.

Peking, February 24th, 1880.

DEPARTMENT OF STATE APR 26 1880 RECEIVED

George F. Seward to the Secretary of State.

Subject.

Refusal of Consul at Foochow to deliver a native to the local authorities for trial.

Synopsis.

Mr. Seward refers to his despatch number 547. and forwards certain correspondence upon the case. The Foreign Office complains of Mr. de Lano's action.

No. 607. Three Enclosures.

Legation of the United States.

Peking, February 24th, 1880.

Honorable William M. Evarts,

Secretary of State.

Sir:-

The Tsung li Yamun has addressed to me a letter, which I/607. I enclose, calling my attention to a case in which Hon. Hle Lang has refused to sanction the arrest of a native employed by a missionary, as a teacher, at his port.

This matter was reported to me some time since by Hon. Hle Lang, and was dealt with by

by me as shown in my despatch to yourself, number 547, and its enclosures.

2/607. I have responded to the Yamen indicating the grounds of Rev. Mr Lamb's action, and the instruction which I sent to him.

My instruction stated in effect that it is not desirable to interfere between the Chinese authorities and their people, that it is allowable, when the facts are indisputable, to represent for their consideration cases of persecution on account of religious belief, but that in no case should an asylum be given to a native for such reason.

I

I believe that this instruction will be satisfactory to the Yamen, and that it goes as far as sound policy on our part will permit.

I respectfully ask your approval of my action.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Enclosures.

1. Prince Kung to Mr. Seward 19/1880. February 21st, 1880.
2. Mr. Seward in response. 20/1880. February 23rd, 1880.
3. Mr. Seward to Mr. Hewlans. No. 107. February 23rd, 1880.

Despatch No. 607.
Enclosure 1.

19/1880.

Prince Kung, Chief Secretary of State for Foreign Affairs herewith makes a communication.

Upon the 12th instant I received a communication from the Provincial Authorities of Fukien informing me that the Prefect of Foochow had reported to them that in a suit brought by a literary graduate of Min Ching District named Lin Kui Chi, against a literary graduate named Hwang Yueh and others for opening a grave and removing a coffin, it appearing upon examination that Hwang Yueh was in hiding and had not appeared in the court, an " inquiry was instituted and it was found that he was employed as a teacher by an American missionary named Ohlinger who resided at " Nantai. (the foreign settlement at " Foochow.) A note was thereupon " written to the American Consul in the business, who sent Hwang Yueh

(several

several times under escort of police to be examined in the presence of Lin Kuei Chi. As he was obstinate and would not confess he was sent back under the guard of police with the request to await a further summons for examination.

Although the case was decided at that moment by the District Magistrate, Lin Kuei Chi declined to accept his decision, and took an appeal to the higher courts.

Under this appeal a Deputy was appointed by order of the higher Courts to act in conjunction with the District Magistrate of Min Ching in re-examining the witnesses. Upon proceeding to the burial ground in question, it appeared that the coffins in the ancestral burial lot of Kwei Lin Chi had certainly been disturbed and broken. Kwei Lin Chi testified that this was done by a company of persons under the leadership of Kwang Yueh, and the owner of the hill side, named

named Hwang Chin Chien gave "
evidence in accord with that "
statement. Hwang Yueh, protected
by the Consul was sent to be "
examined, and thereafter taken
back, thus avoiding the cangue.
From first to last he was obstinate,
and there appeared to be no prospect
of closing the case. Consequently a
despatch was sent to the Consul
requesting him to send Hwang Yueh
to the Prefect to be rigorously "
examined. Many days elapsed
and he did not appear. But after
repeated requests for his delivery
made by the Board of Trade a
response was received from Mr. "
Consul Dedano saying that the case
having been already decided by the
District Magistrate, it would "
appear that the revival of it at
that time was with the intent
to ruin Hwang Yueh, and he did
not direct the missionary to send
Hwang Yueh to the Prefect for "
examination

examination. After repeated argument
in the case upon the stipulations of
the treaties, made by the Board of
Trade, Mr. Consul De Sano wrote
in reply that he had referred the
case in all its details to the "
United States Minister at Peking
for his instructions, and it would
be necessary to await the receipt of
them when he would reply further
etc. etc.

Upon this case I beg leave
to remark that in it a Chinese "
brings complaint against a Chinese
and hence that the question of right
and wrong involved in it should be
determined upon examination by
the local authorities of China.
The 18th Article of the United
States Treaty provides that "if "
"criminals, subjects of China, take "
"refuge in the houses, or on board of
"vessels of citizens of the United States,
"they shall not be harbored or "
"concealed, but shall be delivered

up

"up to justice on due requisition by
"the Chinese local authorities, &
"addressed to those of the United
"States," etc. etc."

Hwang Yueh has been complained against for the destruction of certain coffins. This is the substance of the charge. Under the Treaties &c. & Consul De Lano should certainly have instructed the missionary to & deliver over Hwang Yueh in order that the case might be settled. But Mr. De Lano responded to the Provincial Judge and Intendant that "this case is already settled, "and Hwang Yueh, in obedience to "the judgment, has paid 50 tiao to "close the business", etc.

In the decision of suits by Chinese authorities, both parties must accept the judgment in order to close a given case. In the suit in question, although judgment was entered by the District Magistrate, Lin Kuei Chi declined to accept it as final, and the money

paid

be
paid. Hwang Yueh is still in the
Treasury of the District Magistrate,
it having been declined. How then
can the case be held to be closed.

Mr. Consul De Lano also declares
that this suit is revived because
Hwang Yueh has become a Christian,
and thus incurred the enmity of
the literati. Hence it has been brought
up again in order to ruin him.

But as Hwang Yueh entered the
service of the missionary Mr. Ohlinger,
as teacher after this suit was brought,
it appears as if he feared the
punishment due to his wrong act, and
sought the protection of the Church,
and not at all as though Lin Kwei
Chi revived the complaint because
he had become a Christian and hence
sought to ruin him.

If Mr. Consul De Lano does not
deliver up Hwang Yueh certainly there
are those who will say that he has
heard only one side of the story and
seeks to interfere in order to screen

Hwang

Hwang Yueh. In what way will Mr. De Lano defend himself from this charge?

I have the honor thus to communicate the details of this suit to Y. E. with the request that you will instruct Mr. Consul De Lano and the missionary Mr. Ohlinger, to deliver over Hwang Yueh to the proper authorities. He is a Chinese subject, and if the right be on his side, the officials of the province named will not pervert justice in his case.

Y. E. having been many years in China, and having conducted all business in an upright manner will certainly see the reasonableness of this request.

H. E. George F. Seward.

&c — &c — &c — &c.

Peking, Febreuary 21st, 1880.

Despatch No. 607.
Enclosure 2.

20/1880.

Mr. Seward to Prince Kung.

February 23rd, 1880.

Y. H.

I have received your despatch of the 21st instant in regard to the case of the literary graduate named Hwang Yueh.

In response to your despatch I beg leave to lay before you the statement made to me by Mr. De-Lano regarding the matter and his action as follows

" Some 16 years ago the family of "the man in question got into a quarrel "with a neighboring family about the "title to a bit of burial ground, and "in the course of the quarrel a coffin "was removed by the family of the "accused. This man was then a youth "and had just taken his first literary "degree. Being a participator in the "quarrel he was made the butt for "a prosecution brought by the other "family, which was the stronger of the two.

"two, The young man was imprisoned for
"two years and caused by the Magistrate
"to pay a fine of 50.000 cash, was then
"released, restored to his rank as a literati,
"and later on was permitted to compete for
"his second degree."

Upon receipt of this letter I at once advised Mr. De Lano that it is not desirable to interfere between the officials of China and your people, that when there is indisputable reason to believe that the latter are being persecuted on account of their having embraced the Christian faith representations of the facts may be made to the officials, but that in no case should any asylum be given to such persons.

It is to be expected in view of this instruction that Mr. De Lano will make no objection to delivering the man to the provincial officers whenever again called upon.

I seize the occasion to renew to Y. E. H. the expression of my highest consideration.

(Signed) George F. Seward.

Despatch No. 607,
Enclosure 3.

Mr. Seward to Mr. DeLano.

No. 107. February 23rd, 1880.

Sir:—

I have received a letter from the Tsung li Yamen in reference to the case of Mr. Ohlinger's teacher, in which your refusal to allow his arrest is recited and a request made that you be requested to interpose no further difficulties.

I have responded to this letter reciting the facts set forth in your letter of December 3rd and the instruction which I addressed to you in response.

It is probable that another application will be made to you. In such case it will be your duty to endorse the writ for this man's arrest and to inform Mr. Ohlinger of the fact.

I am, Sir, etc.

(Signed) George F. Seward.

No. 608. One Enclosure.

Legation of the United States.

Peking, February 25th, 1880.

DEPARTMENT OF STATE
APR
26
1880
RECEIVED

George F. Seward to

the Secretary of State.

Subject.

Statement of salary account.

Synopsis.

Forwards a duplicate statement of salary account for the quarter ended December 31st, 1880.

No. 608. One Enclosure.

Legation of the United States.

Peking, February 25th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir—

Referring to my despatch, number 585, I have the honor to hand to you, herewith, a duplicate statement of my account for salary for the quarter ended December 31st, 1879. 1/608.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Enclosure.

Enclosure.

1. Duplicate statement of salary account for the quarter ended December 31st. 1879.

made
+
Mr Sandager

for

No. 609. One Enclosure.

Legation of the United States.

Peking, February 27th, 1880.

DEPARTMENT OF STATE
APR 26 1880
RECEIVED

George F. Seward to.
the Secretary of State.

Subject.

Repair account for Legation premises.

Synopsis.

Forward a detailed statement of this account for 1879.

No. 609. One Enclosure.

Legation of the United States.

Peking, February 27th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Recurring to the seventh section of the lease of the premises occupied by this Legation, I now have the honor to hand to you, herewith a No. 609. statement of the repairs made during the year ended December 31st, 1879.

I have the honor to be

Sir

Your obedient servant.

Geo. F. Seward

Enclosure

Enclosure.

1. Legation repair account for the year ended December 31st, 1879.

The Legation of the United States in

			Dr.	
79				
. 1	To excess of expenditures in preceding statement	$	367	47
4	" paint and wall paper for minister's house (see voucher)	"	44	52
31	" carpenter's account (see voucher)	"	262	28
"	" Chinese paper and paper hanging "	"	52	20
"	" locks, bolts, hinges, etc. (see voucher)	"	10	50
		$	736	97
80				
. 1	To balance carried forward	$	136	97

Peking, February 27th, 1880

Account for Repairs

1899			Cr.
Dec. 31	To repair allowance for the current year as agreed in the lease	$	600 00
" "	" balance forward	"	136 97
		$	736 97

E. & O. E.

S. Wells Williams
by his attorney in fact
Chester Holcombe

Approved

Geo. F. Seward
United States Minister

Despatch No. 609.
Enclosure.

Legation repair account.

1879.

United States Legation to Builder Li Dr

1879		Taels	Tiao	
	1 iron latch & catches		3	
	1 wooden brace		1	200
	1 iron strap		1	600
	24 brass straps for blinds		33	600
	1 light glass		6	
	110 feet of mopboards & oiling		62	
	1 threshold		2	500
	32 brass straps for blinds		44	800
	40 hooks & catches for blinds		16	
	2 hinges		1	200
	repairing kitchen		99	400
	repointing walls		99	200
	" " 32 masons		83	200
	" " lime		11	100
	20 Carpenters miscellaneous work		52	
	repairing west wall		22	
	" southern stables		19	
	" " "		6	
	painting and oiling in Minister's house		212	
	fixing kitchen floor		33	600
	1 threshold		1	600
	2 floor boards		2	
	1 door to storeroom		21	
	nails			800
	210 catties lime		8	400
	10 " hemp		5	
	20 bricks		2	600
	50 catties lime		2	
	1 pane glass		4	
	4 masons		10	400
	4 coolies		7	200
	Carried over Tiao		874	400

	Brought over	Tias	874 80
1	brass catch		1 00
60	catties lime		2 280
3	" hemp		1 380
20	bricks		1 500
1	catch		1 200
200	catties lime		7 600
12	" hemp		5 520
3	masons		7 800
3	coolies		5 400
2	poles		3
4	hooks & staples		4 50
4	masons		10 400
6	coolies		10 800
200	catties lime		9
12	" hemp		2 800
15	carpenters		39
1	hitching post		28
1	horse trough		35
	repointing walls		111 800
	painting bow window and roof		80
	" small gate		20
	diging trench & opening sewer in front		126 600
1	pane glass		7
1	board		9
300	nails		3
30	"		1 300
10	"		161
15	"		1 500
2	hinges		1
2	hooks & catches		60
4	strips tin		4
	carried over	Tias	1419 00

Brought forward		1419 040
6 Carpenters		15 600
7 masons		18 200
8 coolies		14 400
250 catties lime		10
2 panes glass		10
11 hooks		1 200
60 nails		900
1 carpenter		2 600
1 mason 1 coolie		4 400
3 carpenters		7 800
60 nails		900
2 hinges		1 —
150 nails		2250
repairing Kitchen range		21
" office chimney		16
3 bass chains		102
Error in account 1878.		120
Total Tias		1767 280
To building new bath room and new passage	Th 38 00	
" brick screen in front of south stables	" 18 00	
Taels	76 00	
Equivalents in Mexican dollars		
Taels 76 —	$	108 60
Tias 1767. 280	"	153 68
	$	262 28

Received payment

February 10th, 1880.

Shanghai, June. 12. 1880

U. S. Legation, Peking

D.° to L. P. MULLER.

No. 15, FOOCHOW ROAD.

To 2 Gall. Paint	Tls.	6.	—
" 11 Rolls Wallpaper @ 1.50	"	25.	50.
" 1 " Border.	"	2.	—
	Tls.	33.	50

Received Payment

L. P. Muller.

The United States Legation to Dr

				Liao	
Wall paper (white flower pattern)	6 packages	@ 900 cash			
" " " " "	141 "	" 1000 "		146 400	
Corean " (large size)	165 sheets	" 300 "			
" " (medium size)	18 "	" 240		53 820	
Coarse wall paper	20 "	" 60			
" " "	20 "	" 100		3 200	
wall paper (red pattern)	49 "	" 800			
" " (scarlet ")	30 "	" 640		58 400	
" " (blue ")	21 "	" 320			
" " (" ")	6 "	" 360			
" " (" ")	12 "	" 300		72 480	
" " (green ")	36 "	" 700		25 200	
Coarse wall paper	455 "	" 80		36 400	
Frame for paper ceiling				9 760	
Paste	71 catties	" 600 plus 160 cash		43 560	
Pasting - 72 days work @ 3 tiao				216 000	
		Total	Liao	605 220	

Liao 605.220 = $ 52.20

Received payment

United States Legation

in Repair Account

To Chester Holcombe Dr.

To paid for hinges, screws, locks

and hardware $10.50

Received Payment.

Chester Holcombe.

Peking, December 31st 1879.

No. 610. One Enclosure.

Legation of the United States.

Peking, February 27th, 1880.

George F. Seward to the Secretary of State.

Subject.

Passport returns.

Synopsis.

Forwards the returns of passports issued during 1879.

No. 610. One Enclosure.

Legation of the United States.

Peking, February 27th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:

I have the honor to hand to you herewith an abstract of the 1/610. passports — twelve in number — which have been issued from this Legation during the year 1879. 14

You will notice that neither the names nor the personal descriptions of the parties to whom passports numbers 244 and 245 were issued are given. I have applied to the Consul General for

for the necessary information and will transmit it to you at an early moment.

I have received the sum of seventy dollars as fees for the passports issued as reported herein, which will be credited to the Government in my salary account for the current quarter.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Ward

Enclosure.

1. Abstract of passports issued during the year 1879.

Despatch No. 610.

Enclosure.

Passport returns.

1879.

N.A.3.

610 Feb. 27th '80 Peking

Passports issued during

No	Name	Date	State or Country	Age
		1879		
~ 240	J. B. Forbes & family	Apr. 28		40
~ 241	W. R. Lambuth	Sep. 22		24
~ 242	A. P. Parker	Aug. 25		27
~ 243	S. J. Kreyer	Oct. 24		35
244				
245				
~ 246	L. J. Bradbury	June 14		40
~ 247	C. Bell	" 3		29
~ 248	J. H. Vail	Mar. 13		40
~ 251	H. L. Devins	Nov. 5		46
~ 252	W. P. Markham	" 6		43
~ 253	C. H. Patterson	" 8		26
~ 254	D. Weld	" 26		42
~ 266	Hosea Ballou Morse	Sep. 23		25

Legation of the United States
Peking, February 27th, 1880.

the year 1879.

Height	Eyes	Nose	Hair	Face	Complexion
5 ft. 8½	Blue	Aquiline	Brown	Oval	Pale
5 " 8½	"	Roman	"	Thin	"
5 " 10	Brown	Stub	——	Oval	Dark
5 " 0	Dark	Ordinary	Dark	"	Dark
5 " 9½	Brown	Roman	Black	Oval	Dark
5 " 6	Grey	Stub	Light	"	Fair
5 " 6½	"	Roman	"	narrow	Light
5 " 4	Dark	Prominent	Black	thin	Dark
5 " 10	Blue	Aquiline	Brown	Oval	Light
5 " 4½	Grey	"	"	"	"
5 " 7	Blue	Grecian	Red	round	Fair
5 " 6½	Brown	straight	brown	oval	Dark

Geo. F. Seward

United States Minister.

Ack

for

Made

No. 611. Two Enclosures.

Legation of the United States.

Peking, February 27th, 1880.

George F. Seward to the Secretary of State.

Subject.

The Woosung Bar.

Synopsis.

Referring to his despatch number 522. Mr. Seward states that the scheme for raising funds for the improvement of the Bar has met with favor at Shanghai.

No. 611. Two Enclosures.

Legation of the United States.

Peking, February 27th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I had the honor to transmit to you with my despatch, number 522. of December 4th last, a copy of a letter which had been addressed by the Chamber of Commerce at Shanghai to the Diplomatic Body here regarding the deterioration of the Woosung Bar and the river approaches to the port, and suggesting that an additional duty of 1/10 of one

per

per cent be imposed upon all imports and exports at Shanghai, the outturn to be devoted to operations intended to improve the river. With the same despatch I sent to you a letter which I had addressed to the Consul General saying that my colleagues and I regard the proposal with favor, and will support it appropriately if presented in such form as to assure us that it is accepted by the foreign community at Shanghai and the Consuls.

I have now to transmit
1/611 to you printed copies of letters which have passed between the Chamber and the Consuls showing

that

that the scheme is approved by them, and that it will be submitted soon to the community. I have taken the correspondence from the North China Daily News, Mr. Bailey's report not having come to hand, from the columns of which I have also taken the enclosed editorial notice of the matter.

I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Edwards

Enclosures.

1. Correspondence regarding the Woosung Bar.
2. Editorial notice of above.

Despatch No. 611.
Enclosure 1.

THE WOOSUNG BAR.

The following correspondence relating to a scheme for the conservation of the River Approaches to Shanghai has been handed to us for publication :—

Shanghai, 10th November, 1879.

To His Excellency Sir Thos. F. Wade, K.C.B., H.M. Envoy Extraordinary & Minister Plenipotentiary, &c. &c., Peking.

Sir,—I have the honour to enclose copies of four letters on the subject of the Woosung Bar, which have recently been addressed to this Chamber by the Agents of the two European Mail Companies, of the principal lines of Suez Canal steamers trading to Shanghai, and of lines of coasting steamers.

It appears from a carefully compiled statement appended to one of these letters, that during the last four months, the want of water on the bar has caused an aggregate detention of ninety-eight days to thirty-four steamers of the regular lines, as follows :—

P. & O. S. N. Co.	9	steamers detained	31	days
M. M. Co.....	10	„ „	27	„
O. S. S. Co.	8	„ „	14	„
"Glen" line.....	5	„ „	18	„
"Castle" line	2	„ „	8	„

The statement also shows, that, in the case of occasional steamers bound inwards, the detention has been no less serious, and furthermore that in eight instances during the period under review, the outward bound mail steamers have had to leave Shanghai for Woosung from one to six days before their contract dates, in order to cross the Bar with safety.

To the loss and inconvenience caused by these detentions must be added the heavy expenses incurred in discharging a part or the whole of many inward cargoes at Woosung in order to allow the steamers to cross the Bar at all—expenses which amount to a sacrifice of sevento ten per cent of the freight from Europe on each ton so discharged.

The most significant fact, however, is that during the last two months, even light draft river and coasting steamers have been unable to cross the ber from want of water at certain stages of the tide. Messrs. Jardine, Matheson & Co. point out that in the case of their Northern steamers, the loss of a tide at Woosung really involves a loss of twenty-four hours in the voyage to Tientsin, and Messrs. Siemssen & Co. state that they have frequently been compelled to shut out cargo from their steamers under despatch to the South, as they would have been unable to cross the Bar if fully laden.

Experience shows that every year the summer floods of the Yangtsze produce a certain silting up of the Woosung Bar, which reaches its maximum in the autumn months, but which is again reduced by the scour of the river during the winter. To some extent, therefore, the recent low water may be ascribed to regularly recurring causes which have been unusually active during the past season, but there seems no doubt that the Bar is steadily and rapidly shoaling, the decrease in average depth of water being stated by careful observers at not less than three feet during the past five years.

The facts speak for themselves, and point unmistakeably to a danger which, if unchecked, threatens the prosperity if not the existence of the greatest emporium in China. The interests at stake are alike those of the foreigners who have built up their settlement by large investments of capital, of the Chinese whom foreign trade has brought in thousands to the port, and of the Imperial Government which derives from Shanghai a large part of its total Customs Revenue.

The Committee is fully conscious of the material difficulties to be encountered in any scheme of river conservancy, and so far from presuming to suggest any remedy, believes that there is no one now in China with the special scientific and practical knowledge needed to cope with those difficulties; but that the approaches to Shanghai can be improved and kept open, is not to be for a moment doubted, in face of what has been done elsewhere; and the question resolves itself simply into one of expense.

As regards this, the Committee has learned with regret during recent interviews with your Excellency and with Mr. Robert Hart that there is small likelihood of any appropriation from existing sources of Chinese Revenue towards the removal of present obstructions to navigation. The Committee has further been advised at different times by persons in high authority, that any work of this sort will probably have to be initiated by Foreigners, and carried on for some time at foreign expense.

In the belief that a favourable opportunity now offers for doing something in this direction, the Committee is induced to submit the following suggestions for the consideration of the Foreign Ministers at Peking.

For various reasons into which it is not necessary to enter here, the Municipal Tax, called "Wharfage Dues," hitherto levied in the Foreign settlement North of the Yang-king-pang, is likely to be abolished by the Ratepayers at an early date. The resulting deficit in the Municipal Budget will have to be made up by retrenchment in expenditure, and probably also by new taxation.

The Wharfage Dues, based upon an assessment of about one-tenth of one per cent on the value of goods landed or shipped by residents in the settlement, have yielded about Taels 80,000 per year to the Budget. They are admitted to have been an insignificant charge on trade, and are only objectionable because, not being levied on the so-called French Concession, they have to that extent operated unfairly to residents North of the Yang-king-pang.

It would seem that if this Tax could be re-imposed in such a way as to fall impartially upon all imports or exports through the Foreign Custom House, a revenue might be raised which would go far towards the expense of river conservancy if it did not prove ample for all necessary work.

The following are the main features of the scheme which the Committee is prepared to advocate.

1.—A convention to be made between the Treaty powers and China, authorising a special levy of "River Conservancy Dues" on all goods imported or exported through the Shanghai Foreign Custom House.

2.—The dues to be collected by the Foreign Customs at the same time as the tariff duties.

3.—The dues to be calculated on a basis of a tenth of one per cent on the value of the goods. Judging from the average of the years 1876-1878, this would yield annually about 117,000.00 Haikwan Taels.

4.—A certain portion of this sum to be paid by the Customs towards Municipal revenue, for division between the two settlements on some equitable basis. This payment to be, in consideration of what the Municipalities have done, and will continue to do, in building and maintaining bunds and jetties and in clearing the foreshores of the settlements.

5.—The other portion to be applied by the Chinese Government towards the conservancy of the river, the removal of obstructions to navigation, and the general improvement of the approaches to the port.

6.—The money to be expended under the direction of a foreign Board of conservancy, of which the Commissioner of Customs should be ex-officio a member. This Board to receive the requisite powers from the Chinese Government.

It is a question whether "Port Dues" might not also be levied on all vessels entering at the Foreign Customs, at a moderate rate per foot of draft on arrival and departure. There is not much reason to believe that such a tax would be seriously objected to, if it were seen that the improvement of the river was actively taken in hand.

I ought to add that this scheme has, up to the present time, been discussed only by the members of the Committee, who desire me to submit it for the consideration of your Excellency and your colleagues; should it meet with your approval, and should it appear likely to be acceptable to the Chinese, the Committee will be glad to aid in elabrating the details, and to co-operate as far as possible in bringing the project to a successful issue.

I have, the honour to be,

Sir,

Your Excellency's most obedient Servant,

(Signed) F. B. Forbes,

Chairman.

H. M.'s Consulate,

Shanghai, 16th December, 1879.

F. B. Forbes, Esq.,

Chairman of the Shanghai Chamber of Commerce.

Sir,—I beg to enclose a copy of a despatch I have received from Sir Thos. Wade, K.C.B., H.M.'s Plenipotentiary and Doyen of the Diplomatic Corps at Peking, referring to your letter of the 10th ultimo, upon the subject of the Woosung Bar, and stating that before proceeding further, his colleagues and himself thought it desirable that the views of the community at this port and of the Consular body should be ascertained regarding both the scheme of taxation and its application.

I am, Sir,

Your obedient Servant,

ARTHUR DAVENPORT.

Consul.

[ENCLOSURE.]

Copy. Peking, December 3rd, 1879.

SIR,—You will have received my Dispatch of the 19th November, instructing you to convey my thanks to Mr. Forbes, as Chairman of the Chamber of Commerce, for his letter of the 10th ultimo upon the subject of the Woosung Bar. The enclosures in Mr. Forbes' letter confirm all earlier statements as to the increasing tendency of the Woosung Bar to shoal, and of the inconvenience to vessels passing and repassing, and the consequent loss sustained, especially by those interested in the steam traffic of the Port. The Committee of the Chamber, to which discussion of the means by which it may be possible to improve the navigation of the river, as Mr. Forbes observes, has been so far confined, although still without the assistance of competent scientific men, is nevertheless persuaded that the difficulties in the way of improvement are not insurmountable, could funds for the continued expense be secured; and experience having proved that appropriation of revenue by the Chinese Government to the desired object is at least improbable, the Committee inclines to adopt the recommendation that the money needed should be provided under certain conditions by the Port community itself. These conditions are that, under a convention to be concluded with China, a tax of one-tenth of one per cent shall be levied by the Foreign Customs at the same time as the Tariff Duties, upon all goods imported or exported; that of the total sum thus to be raised, which on stated data, may be estimated at about Taels 117,000, a part shall be handed over to the two Foreign Municipal Bodies of Shanghai, for the maintenance or construction of works, more particularly of works along the river shores of the settlements; while part shall revert to the Chinese Government, to be applied to the conservancy of the river; the department so to apply it, being a Foreign Board of Conservancy, of which the Commissioner of Customs would be an ex-officio member.

It is further suggested that a Port Due might also be levied at a moderate rate per foot of draught upon all Foreign Bottoms on arrival and departure.

The imposition of a Port Due of this kind would affect other proprietary interests besides those immediately concerned in the trade of Shanghai, or even of China.

The levy of the one-tenth of one per cent more directly regards the Port Community, and if the members of this were, unanimously or even generally, disposed to consent to the imposition on themselves, for a specific purpose, of a tax apparently so insignificant, there would seem *prima facie* to be no objection to such a measure; but my colleagues and myself are of opinion that were any such arrangement agreed to, the taxes collected under it should be applied only to the conservancy of the river Port, Harbour and Woosung Channel included; and that it would not be expedient to recommend the application of money so collected to Municipal purposes.

Should the scheme be eventually adopted in principle, its details will not perhaps present much difficulty; meanwhile, before proceeding farther, my colleagues and myself think it desirable that the views of the Port community regarding both the scheme of taxation and its application, limited as above, be ascertained; as also the views of the Consular Body.

I have to request you to communicate the matters of this Despatch to Mr. Forbes, and if he desire it, to furnish him with a copy of it.

I am, &c.,

(Signed) THOMAS FRANCIS WADE.

A. DAVENPORT, Esq., &c., &c., Shanghai.

No. 568.

SHANGHAI GENERAL CHAMBER OF COMMERCE,
Shanghai, 26th January, 1880.

To DAVID H. BAILEY, Esq.,
U. S. Consul General,
Doyen of the Consular Body,
Shanghai.

SIR,—I have the honour to hand you copy of a letter which the Committee of this Chamber addressed to H.E. Sir Thomas Wade, H.B.M.'s Minister at Peking, on the 10th of ovember last, regarding a scheme for the conservancy of the river approaches to Shanghai.

The Committee had received letters from the agents of the principal Steamship Companies, from which it appeared that during the months of July, August, September, and October last the want of water on the Woosung Bar had caused an aggregate detention of not less than ninety-eight days to thirty-four vessels belonging to the Mail Companies, and the "Ocean," "Glen," and "Castle" Lines of Suez Canal steamers, besides subjecting them to other considerable expenses. It further appeared that even light draft river and coasting steamers had met with frequent detention at the Bar, the shoaling of which was estimated by careful observers at not less than three feet during the past five years.

The Committee felt that no time should be lost in again urging the vital importance of this question to shipping interests as well as to the prosperity of Shanghai itself. But in addressing the Foreign Ministers at Peking on the subject, they could not fail to remember that they had at different times been advised by persons of high authority that the Chinese Government was unlikely to apply existing sources of revenue to the conservancy of the river, and that probably any improvement would have to be not only initiated by foreigners, but practically carried out at foreign expense.

While the matter was under consideration by the Committee, the Council for the Foreign Settlement of Shanghai proposed to the Ratepayers the abolition of the Municipal dues of 1/10th per cent *ad valorem* on merchandize. The principal, if not the only objection, to these dues being their unequal incidence under present arrangements, it seemed that if they should disappear from the Municipal Budget, they might with advantage be reimposed, under conventions with China, as "River Conservancy Dues" on *all* goods passed through the Shanghai Custom House. A fund might thus be formed, which, expended under the control of a foreign commission, would probably prove ample for the needed improvements at the Woosung Bar and elsewhere. Feeling, therefore, that little was to be expected from further insistance on the obligation of China to keep open the approaches to treaty ports at her own expense, the Committee were prepared to advocate an additional tax on trade for the special purpose, and they submitted the scheme for the consideration of Sir Thomas Wade and his colleagues.

You will see from the enclosed copy of His Excellency's reply, under date of 3rd December, that the Committee's proposals are, with some minor modifications, approved by the Representatives of Foreign Powers at Peking. Before proceeding further, however, their Excellencies think it desirable to obtain an expression of the views of the Consular Body and the Mercantile Community of Shanghai as to the scheme of taxation and its application.

I have therefore the honour to ask that you will be good enough to lay the matter before your colleagues, and to favour the Committee with a reply at your early convenience, as it is the intention of the Committee to publish the correspondence as soon the views of the Consular Body are received. Should these be favourable, and should Wharfage Dues be definitely abolished at the coming Ratepayers' meeting, the Committee propose to call a meeting of the Mercantile Community at large, at which the scheme may be discussed, and a decision taken as to further action.

I have the honour to be,
Sir,
Your obedient Servant,
(Signed) F. B. FORBES,
Chairman.

UNITED STATES CONSULATE GENERAL.
Shanghai, 29th January, 1880.

SIR,—I have had the honor to receive your letter of the 26th instant, enclosing copies of your correspondence with His Excellency Sir Thomas Wade, H.B.M. Plenipotentiary, and Doyen of the Diplomatic Corps at Peking, regarding the Conservancy of the River and its approaches to Shanghai.

The Consular Body having had this subject under consideration, I am to inform you that we concur in the views of His Excellency the Doyen at Peking and his colleagues, as expressed in the despatch of December 3rd, 1879, and I am to say that we favor your proposal to call a meeting of the Shanghai Mercantile Community at large to consider these important questions.

I have the honor to be,
Sir,
Your obedient servant,
(Signed) DAVID H. BAILEY,
U. S. Consul-General,
Senior Consul.

F. B. FORBES Esq.,
Chairman,
Shanghai General Chamber of Commerce.

Despatch No. 611.
Enclosure 2.

The North-China Daily News.

SHANGHAI, FEBRUARY 2, 1880.

THE correspondence published in another column, between the Chairman of the Shanghai Chamber of Commerce and the British Minister, deals with a matter which year by year is assuming greater and greater importance. An unimpeded waterway to Shanghai is not a luxury which we should like to enjoy, but with which we could, if need were, dispense; it is a need vital and indispensable. The existence of Shanghai as an important emporium of trade is indissolubly bound up with the practicability of approach to it by water, and therefore to neglect the increasing obstacles in the way of approaching it, is to neglect the most urgent warnings and threats addressed to every member of every class and every nationality represented in the settlement, whose capital is invested in the place or whose career is committed to it. As Sir Thomas Wade points out, the facts detailed by the Committee of the Chamber are confirmatory of all the many earlier statements made respecting the growing tendency of the Woosung Bar to silt up; and evidence is overwhelming as to the loss, expense, and inconvenience entailed as a rising tax on the community in consequence of this silting. The evil, then, is patent enough; the remedy is no less evident. The plain fact is that within five years the water has shoaled three feet on the Woosung Bar, while coincident changes of hardly less importance have taken place in the river channel. Five years is but a moment in the history of a great port, and a simple arithmetical calculation suffices to shew that without some energetic interruption of this rate of shoaling, the hours of Shanghai are numbered. The remedy obviously lies in the removal by dredging of a certain depth of mud, and the subsequent maintenance of a sufficient channel. To all these points we have repeatedly drawn attention, and, with unintended injustice, we some months ago reflected upon the apparent apathy of the Chamber of Commerce in regard to a condition of things which by menacing commerce itself promises soon to render a Chamber of Commerce not only useless but impossible. We gladly acknowledge that at the time when our remarks were penned, the Chamber was busily engaged in the very correspondence which is now laid before the public. Nor is it difficult to explain the privacy in which this correspondence was conducted. No measure proposed would have had any chance of success without the assent and co-operation of the representatives of the foreign powers chiefly interested, and until approval was signified by the ministers, publication of the Chamber's plan would have certainly been premature, and probably imprudent.

At all events, the hour is now come for action, and the man, if not actually present, as the Chamber somewhat peremptorily decides, is easily found and summoned. The pressing question is one of ways and means, and it is to the solution offered by the Chamber that we desire mainly to call attention. Appeals to the Chinese are, after due experiment, found vain. In justice to the native government it should, however, in passing, be remarked that, contrary to a somewhat prevalent belief, the Tientsin treaty provides, not that shoals and other obstructions to navigation shall be removed at the cost of an appropriation from the tonnage dues, but that they shall be sufficiently indicated and lighted. The Chinese bind themselves to circumvent thus indirectly the dangers which natural changes in their coasts and rivers call into being, but in strictness they are not bound to remove for the benefit of the monstrous steamers of the western world, barriers which up to the present have not proved hostile to the light-draught native craft. But whatever view may be taken of obligations, expressed or implied, weighing on the Chinese, the instinct of self-preservation suggests and enforces the fatal danger of waiting in this case for the tardy effects of argument on the native mind. In plain English, then, whatever has to be done must be done by foreigners themselves, and the question narrows itself down to the enquiry how with the least possible pressure on trade the necessary funds may be raised. Now, we have always insisted, and it is satisfactory to find our opinion endorsed by the Chamber, that wharfage dues as hitherto levied form an insignificant tax on the commerce of the port. We could not think that the opposition started by a few firms justified the sacrifice of so important, yet so easily borne, an item in our Municipal revenue. But we must confess that we have against us the members of that strong majority who at the last special meeting of ratepayers gaily accepted Mr. Little's representations of the stability of municipal finance under the shrewdest blow. We trust that our fears were exaggerated, and if they were, the ratepayers at their approaching meeting will doubtless, after the opportunity for mature reflection which they will have enjoyed, confirm the action taken in November. Should this be so, it cannot fail to strike men with weighty stakes in Shanghai, that local prosperity and therefore the value of their property and of their prospects depend far more upon the conservation of the river than upon any special change in the distribution of taxation. We would cordially hail the disappearance of wharfage dues from the burdens on trade were the adoption of a feasible plan for securing commercial prosperity, or at least for averting commercial ruin, facilitated by it. If, as is believed, municipal finance can well bear the abolition of wharfage dues; if, as is admitted, those dues were scarcely felt; if, as is abundantly evident, the life or death of Shanghai as a centre of trade is now in the balance, nothing more is required to recommend in principle the Chamber's proposition. Let, says the Chamber, the vanishing wharfage dues be reimposed under a new name, impartially on all goods passed through the Customs, and be diverted to the preservation of the approaches to Shanghai, the annual fund of Tls. 130,000, or thereabouts, thus raised being treated as a means not of internal improvement but of actual existence. Before bringing such a measure into operation, conventions with China to that effect would be necessary, and to ensure the proper and economical application of the fund to the end in view, a foreign board would be essential. Upon this board the Chinese Government would be adequately represented by the Commissioner of Customs for the time being.

We have referred to the scheme above stated, as that of the Chamber, because, except in detail, it is that body's scheme. The Ministers have, however, declined to consider the imposition of a Port Due or to adopt the Chamber's suggestion that a part of the fund should be handed over to the municipalities to aid in the construction and maintenance of needful works on the foreshore. We regret this, as river conservancy for purposes of trade may fairly be held to include the provision of suitable landing accommodation. But we will not quarrel with minor modifications. The essential thing is in the first instance to find funds. These once found, their application will necessarily cover a wide area, for there is much more to be done in the way of river conservancy than the mere dredging of the Woosung Bar. For this reason no doubt, the Chamber has prudently refrained from enumerating the works to be undertaken between the bar and Shanghai. Those could be profitably considered only in consultation with engineers specially skilled in this branch of their art, and here the evidence of local pilots will be invaluable. But the scheme in its general form as approved by the Shanghai Consular body, and accepted by the Ministers, is one of the most important ever submitted to the community, and demands the fullest consideration at the hands of the ratepayers before the Municipal budget for 1880 is publicly discussed and voted. It must be borne in mind, that the adoption of the Chamber's plan is contingent upon, among other things, the abolition of wharfage dues. Without that, the proposals fall of themselves to the ground, and this consideration imports a new element into the forthcoming discussion. An opportunity is offered of dealing in a comprehensive manner with the most serious danger that can threaten the port, and a corresponding responsibility rests on those upon whose votes its acceptance or rejection depends.

Sent may 12.
Copy to Interior Dept
may 12. 1880.
Mr Caldwell

Copy to Interior Dept for Bur of Ed.
C R
made

No. 612. One Enclosure.

Legation of the United States.
Peking, February 28th, 1880.

DEPARTMENT OF STATE
APR 26 1880
RECEIVED

George F. Seward
to
the Secretary of State.

Subject.

Foreign Education for the Chinese.

Synopsis.

Mr. Seward forwards an extract from a Shanghai newspaper upon this subject.

No. 612. One Enclosure.

Legation of the United States.

Peking, February 28th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Recurring to my despatch, number 600. in regard to the work done in the "Translation "Department" of the Shanghai Arsenal, I have now the honor to hand to you a leading article 1/612. which I have taken from the Shanghai Courier in regard to foreign education for the Chinese, and to say that I have asked our several Consular officers

to

to report to me what is being done at their several ports in the direction indicated.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Enclosure.

1. "Foreign Education for the Chinese." The Shanghai Courier. January 30th, 1880.

Despatch No. 612.
Enclosure.

The Shanghai Courier.

FRIDAY, 30TH JANUARY, 1880.

FOREIGN EDUCATION FOR THE CHINESE.

A GREATER knowledge of Western civilization than is now possessed is essential to the progress of the Middle Kingdom. To individual Chinese foreign education is something of a fortune, and is the surest capital with which they can be invested. The saying that "Knowledge is power" is well borne out in this case, for foreign knowledge is almost certain to obtain for a Chinaman a lucrative appointment and an improved social position. Parents are now realising this fact, and many of the well-to-do Chinese are anxious to send their sons to Europe or America to be educated. The advantage of such an education can hardly be over estimated in the case of those who have before them official or public careers. At the same time there are considerable drawbacks to going abroad, and it may be questioned whether, in many instances, equally good results could not be secured without incurring so great a loss of time and expense,—a loss so considerable as to prevent the benefit being enjoyed by all but the wealthy, or those supported by other than the family funds. For of course the sons of even what may be called the middle classes cannot afford to leave their country in order to be educated; and, unless they can receive foreign instruction in China, will not receive it at all. It cannot be denied that residence abroad possesses some advantages which cannot be obtained in China; yet, except in rare cases, those particular advantages are not the most needed.

Why should not useful knowledge be imparted to the Chinese as well in China as it can be in Europe or America? The drawbacks to a Chinaman's residing away from his home for the time needed to follow a regular course of instruction are sometimes not duly considered. The Chinese are apt, as has been pointed out, to be "too much Europeanized." Especially are they likely to neglect their native language, and so, on their return, lessen their opportunities of usefulness and prospects of promotion. Particularly is this so with the large class who hope to qualify themselves for the position of professors. A teacher must not only be acquainted with his subject, but he must also be able to impart his knowledge to others; which it is impossible he can do if he has only an imperfect acquaintance with the language which is the medium of communication. It should always be borne in mind that foreign knowledge, though exceedingly useful, is not all-important to a Chinaman, and that even its usefulness may be greatly diminished if it is obtained at cost of the neglect of his mother tongue. Looking, therefore, to the expense of being educated abroad, and to its serious inconveniences, especially to the fact that it must ever be beyond the reach of all but the rich, it is of great importance to consider how a similar education can be had in China.

It would be very incorrect to speak of the local Polytechnic as a failure; but it is as yet a long way from having realised the objects of its promoters. Its educational facilities are great, and though it is now doing good and useful work, we trust to see it become something very different to what it is at the present moment. There are few institutions in Hongkong which have conferred greater benefits on the Chinese than the Central School; and it is surprising that an attempt has not been made to establish something of the kind at Shanghai. The St. John's College will, it is hoped, contribute towards supplying what is a seriously-felt want. At this institution, the course of instruction comprises the English Language and Literature, Geography, History, the Evidences of Christianity, Natural Science, Mathematics, Natural Philosophy, Chemistry, Astronomy, Mental and Moral Philosophy, and International Law. This is a sufficiently extended curriculum to begin with, but it is intended to enlarge it if the project be successful. Pupils are required to be fifteen years of age, and to possess some knowledge of the Chinese classics. We believe that the Hongkong Central School owes much of its success to the purely secular character of its teaching; and many who take great interest in the foreign education of the Chinese will perhaps note with regret the religious element at St. John's College. But the two institutions are of a different character, and it could hardly be expected that the work carried on at St. John's should be purely secular. The promoters have, however, met possible objections in a spirit which, under the circumstances, must, we think, be considered liberal. They wish it to be distinctly understood "that St. John's College is a literary and scientific school, and not *per se* a theological institute." A student must attend the daily prayers at chapel and the usual Sunday services, but in other respects he is free to devote himself to the secular side of the daily routine of class work. Many people would have been glad if the authorities had allowed attendance at prayers and Sunday service, to be voluntary, and probably the chief end in view might have been better reached in that manner. Yet, though the requirement may restrict the usefulness of the institution, preventing it being generally availed of, we are pleased to call attention to it as being calculated to confer great advantages on the Chinese youth, and to offer it the encouragement of publicity. It may be well to note that the charge for board and tuition is exceedingly moderate.

for Ack

Mr. Adee

No. 613. Two Enclosures.

Legation of the United States,
Peking, March 1st, 1880.

George F. Seward to
the Secretary of State.

Subject.

Mr. Chlinger's Teacher.

Synopsis.

Referring to his despatches numbers 547 and 607. Mr. Seward encloses further correspondence upon the subject. Gratification of the Chinese Foreign Office.

No. 613. Two Enclosures.

Legation of the United States.

Peking, March 1st, 1880.

Honorable William M. Evarts

Secretary of State.

Sir:

I beg leave to inform you that I had occasion to send Mr. Holcombe to the Foreign Office yesterday, and that while there the matter of Mr. Chlinger's teacher, reported to you in my despatches numbers 547. and 607., was spoken of by the Ministers who expressed much satisfaction at my having responded promptly and positively that

that we do not propose, under any circumstances to give asylum to their people on the ground that prosecutions taking place before the authorities are instigated by hostility to the persons affected as converts to the Christian faith. Their very positive expressions of satisfaction can only be taken to indicate that various incidents in their foreign intercourse have made them particularly sensitive on this score.

I beg leave also to hand
1/613. to you further letters which
2/613. have passed between Mr. Le Lans and myself in regard to this case.

I

I have the honor to be.
Sir,
Your obedient servant.
Georgs T. Seward

Enclosures.

Hon. Hle Lano to Hon. Seward.
No. 150. January 24th, 1880.
Hon. Seward in response.
No. 108. March 1st, 1880.

Despatch No. 613.
Inclosure 1.

Mr. DeLano to Mr. Seward.
No 150. January 24th, 1880.

Sir:—

I have the honor to acknowledge the receipt of your despatch No 96. in answer to my note to you under date of December 3rd, and I conclude I could not have stated the case clearly in my note.

I may say first that the American Missionaries have not, so far as I know, been accused of interfering between the native officials and their own people, in fact I think they have ever been exceptionally careful not to do so. In the case under notice the accused native was tried and punished for an alleged misdemeanor, and some time after his discharge by the magistrate, and without any reference to circumstances of the past he was given employment by the American Missionaries in the capacity of a teacher, and now, ten years later, during all of which time he

he has continued in such employment, the old affair is revived, and the Chinese Authorities call upon me to arrest and surrender the accused.

During his employment and residence with the Missionaries he has become an adherent to the Christian faith, and while it is clear that this fact has increased the animosity of his prosecutors, there is no substantial proof that it is on this account that the prosecution has been revived.

The Missionaries are not giving asylum, nor are they interfering, and I do not wish to interfere to the extent of handing the accused over. It is clearly a case of unjust persecution and I desire to have no hand in it. I have informed the officials that, while the accused is employed by American citizens he is neither harbored nor given asylum, that he goes out and in at will, appears daily upon the public streets, and they have the option of effecting his arrest, and that, should they arrest him,

there

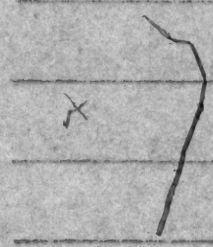
there could be no "foreign" interference, but this does not satisfy them. They point to Art. XVIII of the Treaty and seem determined to make me the instrument of the man's arrest.

It is my present purpose to have a personal interview with the Intendant and shall try to persuade him to recede from the position he has taken in the matter, but should I fail I shall adhere to the ground I have taken unless advised to a different course by yourself.

A new Taotai, Lê Fang Chih, whose card I enclose, has recently taken over the seal of office here, I have called on him and find him amiable and, I should say, intelligent.

I have, etc, etc

(Signed) M. M. de Lano,



Despatch No. 613.
Enclosure 2.

Mr. Seward to Mr. De Lano.
No. 108. March 1st, 1880.

Sir:—

I have had the honor to receive your despatches numbers 150, and 151.

Recurring to the first mentioned despatch, my views in regard to the case have been expressed in my despatches numbers 96. and 107.

In order to put an end to any possible question as to asylum, it is better to stamp the warrant issued for the man's arrest.

I am etc, etc,

(signed) George F. Seward.

for - Act

made

No. 614.

Legation of the United States.

Peking, March 1st, 1880.

DEPARTMENT OF STATE
APR
26
1880
RECEIVED

George F. Seward to

the Secretary of State.

PRINTED.
FOREIGN RELATIONS.
1880

Subject.

Chinese emigration to Cuba and the Sandwich Islands.

Synopsis.

The Chinese Government will not favor the emigration of their people to either of the parts named.

No. 614.

Legation of the United States.

Peking, March 14th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

The foreign press of China has published of late various statements indicating that the emigration of Chinese to the Sandwich Islands is being promoted by the Chinese Steam Navigation Company with the approval and concurrence of this Government. Statements have also been made that emigration to Cuba will soon

begin

begin again.

In view of these statements, I have thought it well to inquire at the Foreign Office whether the information is correct. Mr. Holcombe waited upon the Ministers accordingly, yesterday, and was told promptly that the Government had not assented to the reopening of emigration to Cuba and has done nothing looking to the promotion of emigration to the Sandwich Islands.

It is quite certain that this Government will prevent the emigration of its people to Cuba until all outstanding questions with the Spanish

Government

Government are disposed of, and that it will disfavor, in a more or less positive way, emigration to the Sandwich Islands.

All statements that it is moving to encourage emigration in any direction may be considered unfounded.

I have the honor to be,
Sir,
Your obedient servant.
Geo. T. Sewall

answer April 30
Respond Approve.
C. P. made

No. 615. Two Enclosures.

Legation of the United States.

Peking. March 2nd, 1880.

DEPARTMENT OF STATE
APR 26 1890
RECEIVED

George F. Seward to

the Secretary of State.

Subject.

Mr. Lincoln's arms contract.

Synopsis.

Mr. Seward encloses copies of further correspondence upon this subject.

No. 615. Two Enclosures.

Legation of the United States.

Peking, March 2nd, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have the honor to transmit to you herewith a further despatch with enclosures, which I have received from Mr. Cheshire, in regard to Mr. Lincoln's arms contract. 1/615.

You will see that the viceroy declares that the business pertains to the Consulate and seeks to draw Mr. Cheshire into giving him advice as to his

his further procedure. You
2/615. will see, also, that I have
again instructed Mr. Cheshire
to express our anxiety to do what
we can always to assist the
native authorities, but our
unwillingness to take any
responsibility in the given
case.

I have the honor to be,
Sir,
Your obedient servant
George F. Seward

Enclosures.

1. Mr. Cheshire to Mr. Seward
No. 46. January 16th, 1880.
2. Mr. Seward to Mr. Cheshire.
No. 80. March 1st, 1880.

Despatch No. 615.
Enclosure 1.

Mr. Cheshire to Mr. Seward
No. 46. January 16th, 1880.

Sir:—

I have the honor to hand to you herewith copies in English and Chinese of a communication which I received from H. E. the Vicroy of Canton upon the subject of Mr. Lincoln's agreement for the purchase of ordnance and my reply to the same.

I have etc. etc.
(Signed) T. D. Cheshire.

Lin, Viceroy of the Two Kwangs herewith sends a communication to the United States Vice Consul in charge.

Upon the 11th day of 10 moon of 5th year of Kwang Hsu the Viceroy received the acting Consul's despatch as follows:— I have the honor to inform Your Excellency that I have this day temporarily suspended Yü Chën Chiang, the Interpreter of this Consulate for having without my knowledge used the Chinese seal of this Consulate, on the 7th day, 9th moon of the 5th year of Kwang Hsu (October 21st, 1879.) at the office of the Shan Hou Chü, in sealing an agreement made by Mr. Consul Lincoln for the purchase of guns for the Chinese Authorities which I knew nothing about. The offense which Mr. Yü has committed is a very serious one and I shall communicate to the Department of State and the United States Minister at Peking and await their instructions as to further action to be taken. I beg that Your Excellency will inform your subordinates

(of

of my action and also beg that you will furnish me with a copy of the agreement and any letters Mr. Yü may have written on the subject.

The Viceroy replied to the above despatch stating that having under consideration the defenses on the coast of the Province of Kwang Tung, the purchase of guns is a matter of the greatest importance: hence the Shan Hou Chü and the Chi Chi Chü consulted with Consul Lincoln and " requested him to make some purchases, a contract was written and sealed with the official seal of the United States Consulate.

Now having received the Acting " Consul's Communication in reference to the Interpreter using the official seal of the United States Consulate (in sealing the agreement) without authority, and of his suspension (temporarily) the Viceroy would state that, as the Interpreter held office under the U. S. Government - the Chinese Authorities at Canton were not in a position to know whether he

(had

had used the seal without authority
or not, and as to the question whether
he (the Interpreter) ought to be suspended
or not does not concern him (the Viceroy).
But as Yü Chien Chiang held the office
of Interpreter (at the U. S. Consulate) and
was on the staff at the time the matter
of the purchase of guns was arranged and,
as the first instalment of money and
the amount (of 2000 $) for expenses was paid to him
(Consul Lincoln) through him, and as
he has now been suspended (temporarily)
and not knowing whether Consul Lincoln
will return to his post or not, the Viceroy
would therefore like to know whether a new
contract ought to be entered into between the
Acting Consul and the Provincial Authorities
or whether the original one (between Consul
Lincoln) is to be in force; in which case
(the Chinese Authorities) would like to
know if the acting Consul will receive the
2nd instalment of money and transmit
the same (to England).

If it is not convenient for the U.
S. Consulate to do this, then the 1st
(instalment

installment and the amount for expenses of passage money etc, should be recovered by the Acting Consul. This matter of agreement is one which has been entrusted to the U. S. Consulate to execute and now as the Acting Consul has charge of the office, as a matter of course he is in a position and has the power (is able) to undertake the management of it.

The Viceroy having received the Acting Consul's despatch, has instructed the Shan Hou Chü and the Chi Chi Chü to forward to forward to him a copy of the contract & copies of all the letters having relation thereto, which he will forward to the United States Consulate on receipt of same, now sends this communication in reply, requesting the Acting Consul to send him a communi in reply answering all of the above questions.

Then the Consul replied as follows:—

I have had the honor to receive Your Excellency's despatch of the 27th instant, in reference to the contract between Consul Lincoln and the Shan Hou Chü and Chi Chi Chü for the purchase of guns, the contents

of

of which I have duly perused.

I beg to inform Y. E. that I cannot take any action in the premises until I hear from my superior officers.

Now many weeks have elapsed without hearing from the Acting Consul and the Viceroy does not know whether he has received instructions from the U. S. Minister or not as to what action he is to take in the premises. The time is not far distant when the 2nd installment is to be paid, and if it is not paid at the proper time, the Viceroy is afraid that Mr. Consul Lincoln will charge him with not having carried out the provision of the contract, and according to foreign custom interest will have to be paid if the money is not paid at the proper period; further (if the contract is not carried out faithfully) he is also afraid that it will not look well and will give rise to complaint. If the Chinese officers should wish to pay the 2nd installment at the proper time there will be no one to receive it as the

(Interpreter

Interpreter has been degraded (temporarily suspended) and the Acting Consul declined to receive it. Besides the Acting Consul informed him the Viceroy and the U. S. Minister che Tsung li Yamen that the law of the United States does not permit Consuls and other officials to purchase guns, hence the position of affairs has materially changed since the contract was signed, and the 1st installment of money paid at which time the " Provincial Authorities were acting in " ignorance. Therefore as to the payment of the 2nd installment it should rest with the decision of the U. S. Minister and the Acting Consul and it would not be convenient for the Chinese Authorities to act without proper advice. But the object of entrusting Mr. Lincoln with the purchase of munitions, which are important articles for local wants, was to cement friendly relations; all the circumstances the Acting Consul is fully aware of. The Acting Consul has now the charge of the Consulate, hence, the

(unfinished)

(unfinished) business of the predecessor is that of the successor.

The Acting Consul understanding fully all the circumstances will certainly have a feasible plan to meet all the requirements of the case so as to avoid the Provincial Authorities getting into difficulty and as in duty bound the Viceroy sends this communication hoping that he will consider the case well and send an answer with all promptitude in order that he (the viceroy) may send instructions to the Shan Hoa Chii to act accordingly.

With compliments.

A necessary Communication.

January 10th, 1880.

Mr. Cheshire to the Viceroy.

January 15th, 1880.

Sir:—

I have had the honor to receive Y. E's communication of date January 10th, in reference to Mr. Consul Lincoln's agreement with the Provincial authorities for the purchase of ordnance and in reply I would beg to inform Y. E. that as all the particulars of the case have been submitted by me to H. E. the U. S. Minister at Peking I must wait his instructions; hence it is not convenient for me to suggest to Y. E. what course to pursue. I shall send a copy of Y. E. communication under acknowledgement, with translation, to the Legation at an early day.

I have, &c,

(Signed) T. D. Cheshire

Despatch No. 615.
Inclosure 2.

Mr. Seward to Mr. Cheshire
No. 80 March 1st, 1880.

Sir:—

I have had the honor to receive your despatch No. 46, in regard to Mr. Lincoln's arms contract.

It appears that the Viceroy is uncertain whether to send funds to Mr. Lincoln and that he appeals to you for advice, speaking of the contract as "unfinished business of the consulate."

If the matter is still open when you receive this please wait on the Viceroy and say again that while anxious to oblige him we cannot accept any responsibility whatever in the matter, and that his statement that the business pertains to the Consulate affords the more reason for us to keep entirely aloof from it.

I am etc. etc.

(signed) George F. Seward.

Acknowledged 4/1880
Mr Haywood

Expresses the hope that the apparent good intentions of the Yamen may prove exceptionally productive of beneficial results. L. P. Wade

No. 616.

Two Enclosures.

Legation of the United States.

Peking, March 2nd, 1880.

George F. Seward to the Secretary of State.

Subject.

Attack upon Mr. Sites at Jenping.

Synopsis.

Encloses further correspondence with Mr. Hee Lang.

No. 616. Two Enclosures.

Legation of the United States.

Peking, March 2nd, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:

I have the honor to hand to you, herewith, further letters 1/616. which have passed between 2/616. Mr. Hle Lans and myself in regard to Mr. Sites' case.

The conversation between Mr. Holcombe and the Ministers of the Foreign Office, to which I allude in my despatch to Mr. Hle Lans, was of a very satisfactory kind. It followed the conversation

in

in regard to Mr. Ahlinger's teacher, reported in my number 613., and was positive in its recognition of the merit of my argument that the hostility long exhibited to foreigners in Genping and Kienning has led up naturally to the given difficulty, and of our right to expect that steps will be taken to bring about a better condition of things.

I have the honor to be,

Sir,

Your obedient servant.

George F. Lewis

Enclosures.

Enclosures.

1. Mr. Hle Lano to Mr. Seward.
   No. 151. January 26th, 1880.
2. Mr. Seward to Mr. Hle Lano.
   No. 110. March 1st, 1880.

Despatch No. 616.
Enclosure 1.

Mr. De Lano to Mr. Seward.
No. 151. January 26th, 1880.

Sir:—

Referring to my despatch No. 148, on the subject of the assault upon the Rev. Mr. Sites at Yen Ping in December last, I have now the honor to inform you that the Governor General has given me his promise that the instigators of the riot and those who participated in the assault shall be arrested and brought to Foochow for trial. He also informs me that the man who alleges having been shot by Mr. Sites shall also be brought forward to prosecute.

I have advices from Yen Ping to the effect that Elders and Gentry have issued various placards reviling foreigners and Christians and threatening the officials if they dare to undertake to effect arrests. I hear too, on good authority that the wounded man, (one employed for the occasion) upon learning that

that he would be called upon to prosecute denied having been shot, and refused to come forward, whereupon he was sat upon and severely beaten, and that finally his friends have run him away into another prefecture.

The Chapel premises, which for a time after the riot were vacated by the native Christians in charge, are reoccupied by two native converts who sell Christian books, but dare not open it for worship. The populace seem kindly disposed towards them, as they generally have been, but the "Hsiang Shan" and Elders, the literati, small officials and Lien Chiah, are obdurate and abusive, and appear disinclined to yield.

The Provincial Authorities appear on paper, to be willing to do what is needful towards a proper settlement of the matter, but in reality they are tardy in their action and disposed to cast the onus of the affair upon the missionary. While they have not yet raised a question as to the rights

(of

of our people to acquire property inland, the Governor General intimates that it is necessary to ascertain whether the lease specifies that the Yen Ping property was to be used as a place for Christian worship or only as a bookshop. However, it is not unusual for native officials to put forward unreasonable propositions in such cases, and it is not difficult as a rule to persuade them to recede from them.

The question of right to acquire property in the interior is scarcely likely to be raised, because precedents are already established, and Russian merchants here are almost daily acquiring new sites for business in various parts of the province, or, more properly, in the various tea districts, and their title papers receive official verification.

Hoping to be advised by you very soon in regard to the treatment of this particular case.

I have the honor, etc.

(signed) M. W. De Sano.

Despatch No. 616.
Enclosure 2.

Mr. Seward to Mr. De Lano.
No. 110. March 1st, 1880.

Sir:—

I have had the honor to receive your despatch No. 151, in regard to Mr. Sites matter.

In case the assailants of Mr. Sites are brought to Foochow for trial you should endeavor to secure the observance of the procedure indicated upon page 11, of my Memorandum on judicial procedure sent to you with my No. 88. But of course you will meet many difficulties and will have not only to exercise much patience but also to avoid pressing the authorities unnecessarily upon technical or unimportant points.

I am particularly anxious for you to bear in mind what I have heretofore said to you regarding the hostility of factions of the people of Yen Ping and Kien ning, and the steps to be taken to secure for our people the enjoyment of their Treaty rights in those cities.

This

This part of the case was the subject of conversation between Mr. Holcombe and the Ministers of the Yamen yesterday, and they spoke as if they fully understand it and are disposed to take steps to impress upon the Provincial authorities the necessity of bringing about a better condition of things in those cities.

I am, etc.

(signed) George F. Seward.

No 617 Received April 30 1880 Ack + approve Made

One Enclosure

Legation of the United States.

Peking, March 7th, 1880.

DEPARTMENT OF STATE
APR 26 1880
RECEIVED

George F. Seward to

the Secretary of State.

Subject.

Messrs Russell & Co's case versus Shen-Tao-Shan.

Synopsis.

The Foreign Office has been asked again to send instructions to have the case tried and determined, and has promised to do so.

No. 617. One Enclosure

Legation of the United States,

Peking, March 4th, 1880.

Honorable William M. Evarts,

Secretary of State.

Sir:—

Recurring to my several despatches in regard to the matter of Messrs Russell & Co's claim against a Chinese named Shen Tsoe San, which matter the Consul at Hankow has been unable to bring to trial for the last three years, I beg leave to inform you that I have again asked the Foreign Office to direct the Intendant at Hankow to hear and determine the matter in accordance with treaty stipulations and that

that the Ministers have promised to send the necessary instructions at once, I beg leave also to hand to you herewith a letter which I am addressing to the Consul.

I have the honor to be,
Sir,
Your ~~obedient~~ servant.
George F. Seward.

Enclosure,
1. Mr. Seward to Mr. Shepard.
No. 86 / March 4th, 1880.

Despatch No. 617.

Inclosure 1.

Mr. Seward to Mr. Shepard.

No 86. March 7th, 1880.

Sir:—

I beg leave to inform you that I called the attention of the Tsung li yamen to Messrs Russell & Co's case a few days since and that the Ministers agreed again to send instructions to the Foutai to proceed to the trial.

If you have not heard from the Foutai on the subject it will be well for you to write to him mentioning this letter and asking him to bring the matter on for trial at once.

I am, &c,

signed George F. Seward.

for Ack - See disp No 589

made

No 618. One Enclosure.

Legation of the United States,

Peking. March 8th, 1880.

DEPARTMENT OF STATE
APR 26 1930
RECEIVED

George F. Seward to

the Secretary of State.

PRINTED.
FOREIGN RELATIONS.
1880

Subject.

The case of Chung How: The Palace aspect of the case, and its significance.

Synopsis.

Reports that the Ambassador has been sentenced to decapitation. Indicates that there is reason to fear that this result has been brought about by the reactionary party of which Prince Chung, the father of the young Emperor, is the head.

No. 618. One Enclosure.

Legation of the United States.

Peking, March 8th, 1880.

Honorable William M. Evarts,

Secretary of State,

Sir:—

I have the honor to advise you that the grand Council to whom the charges against Chung How the late Ambassador to Russia were referred have reported, and that a decree has been published approving the finding of the Council and sentencing the Ambassador to be decapitated after the next autumn assizes, say in December next, I enclose a 1/618. copy of the Decree. The report of the Council has not been made public.—

Stripped

Stripped of all disguise this is a case in which a Chinese statesman of large experience and ability has been sent abroad upon a difficult mission, has discharged his duty to the best of his ability and has returned home in pursuance of what he understood to be the desire of his Government. There is, according to our ideas, under these circumstances absolutely no ground for anything beyond censure of the Minister. Yet this man, heretofore of high standing, has been seized and having been found guilty of a technical failure in not having applied for and received formal permission to return from his post, and of having perhaps in some minor matters misunderstood or departed from the letter of his instructions, has been condemned

condemned to the death of a malefactor.

I hazard nothing in my statement of the case. It was perfectly well known in Peking both at the Tsung li Yamen and in the Foreign Legations that the Ambassador expected to return at once after signing the treaty in regard to the Kuldja case. It is well known here also that the Ambassador was in telegraphic communication with the Yamen during the course of his mission and that the Yamen approved in advance substantially the treaty which he signed. [My Russian colleague assures me that he holds evidence emanating from the Yamen itself to this effect.] Under these circumstances the sentence upon Chung How has created a profound sensation in the several Legations and is regarded at the most (unfortunate

Omit

unfortunate incident of foreign
intercourse since the condemnation of
the aged Ki-Ying in 1859, the facts
of which were reported in my despatch
No. 601.

I do not hold the Foreign Office
responsible for the grave error, not to
use a stronger word, perpetrated in
this case. Prince Kung and his
associates are credited with having
defended the unfortunate Minister. It
would appear rather to be an act of
blind fanaticism committed by the
reactionary party, and made possible
by what they have considered
substantial grounds for dissatisfaction
with the treaty in question.

A few words in regard to some
of the springs by which the political
(world

Print

world of Peking is moved will be appropriate in this connection.

It will be within your memory that when the Emperor Hsien-fung died in 1861, the Empress Dowager and the actual mother of the heir to the Throne became Regents and held the Government until 1873, when the young Emperor ascended the Throne, under the title of Tung-chih. This Emperor died in 1875, whereupon the two Empresses having declared that Tung Chih had chosen an heir[a] again became Regents. The father of the heir so chosen was a brother of the Emperor

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[a] For a full account of the choice of this heir and of the circumstances which led to the passing by of the sons of the fifth and sixth Princes, see my despatch from Shanghai, dated early in 1875.

Hsien fung and the mother is a sister of the Empress Regent who was mother of Tung Chih. He is known as the seventh Prince. Prince Kung was also a brother of Hsien fung, and is known as the sixth Prince. Another brother still older survives who is known as the fifth Prince, but takes no considerable part in affairs.

Omit

Prince Chung, the seventh of the brothers, is said to be a very violent man, and bitterly opposed to foreigners. Prince Kung however is considered well affected and from his long experience as head of the Tsung-li Yamen and chief of the Grand Council has come to have a more or less correct appreciation of foreigners and of foreign relations. When the son of the seventh Prince was chosen heir to Throne, the seventh

Prince

Prince was retired from all his offices. It was understood that this was done in accordance with Chinese precedents and rule, it being considered objectionable for the father to be put into such position as to be obliged to take the orders of his son. His retirement from office was hailed by foreigners as a favorable incident. But notwithstanding the rule, the Seventh Prince has been brought forward for duty in connection with the trial of Chung How and it is reported that for whatever reason he exercises a large measure of influence in the Palace. That he should aspire to do so during the minority of his son is not to be wondered at, and that it should be easy for him is not strange when it is remembered that he is not only

(the

the father of the heir to the Throne but married to a sister of that one of the two Regents who is believed to be the most strong willed and able — and to hold practically the reins of Government in her hands.

Under these circumstances the extreme action taken toward Chung How is believed by many to be a blow aimed at Prince Rung and the more moderate persons who stand with him and to indicate the decided ascendancy in the Palace Councils of ~~the seventh Prince and of the~~ reactionary views ~~which he represents~~.

If this view of the situation is a correct one it will be seen that the sentence passed upon Chung How involves a certain menace

(to

to foreign interests.

That the reactionary spirit, which is so strong in China should exhibit itself in a more positive manner at a moment when for the first time in more than thirty years the Empire is at peace within and without her border is not singular. But there is this matter for satisfaction in the situation. There is undoubtedly at the moment a moderate party in the state which is not destitute of influence. Prince Kung may be considered to belong to it. The Viceroy at Tientsin is a distinguished member of it, and other officers of standing and experience could be named in the same connection as, for instance, Ting Jih Chang lately Governor at Foochow

Toochow; Kwoh Sung Tao, lately minister to England; and Tsong chi chenow minister to England and Russia. Beyond these must be ranged upon the same side all persons who are interested in commerce and those who by reason of their studies and observations at home or abroad have come to favor measures for the development of the material interests of their country. Whatever incidents of an unfavorable sort may occur therefore it is possible to believe that other incidents will occur which will be of an encouraging sort.

In point of fact simultaneously with the appearance of the decree condemning Cheng How to death, a Memorial bearing the Imperial approval

approval has also appeared by which high officers of state throughout the Empire are called upon to search out persons of ability especially those who are acquainted with foreign languages and sciences, and to send up their names for employment. This also may be dictated by the reactionary spirit but it implies a certain advance of opinion regarding foreigners which will tell hardly less strongly in their favor than if it had been dictated by a friendly spirit.

I see nothing in the situation which requires any change in our attitude. Our policy has been to deal justly with this Government and to do what we can to hold it to the observance of treaty stipulations.

C

I think we could have no better policy. It is possible in view of it to feel sympathy for China without descending into the region of sentimentality. It is possible also to regard the unfavorable incidents of intercourse with moderation instead of taking from them lessons of inconsiderate condemnation. There are persons, if not parties in the East, who go upon the one side or the other, and who are eager to impress their views upon the world at large. I cannot sympathize perfectly with either, but while asserting that a policy of justice must be tempered by charity in the one direction and by vigilance in the other, I am prepared to expect many

many surprises some of which will be gratifying and some of which like this case of Chung How will be sadly disappointing.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward.

Inclosure.

1 Decree condemning Chung How to decapitation.

Despatch No. 618.
Inclosure 1.

Their Imperial Highnesses
The Empress Dowager and
The Empress Mother Decree.

Prince Li* and others having memorialized Us in a report of the Grand Council as to the punishment to be inflicted upon the degraded Chief Censor Chung Hsun proposing that in accordance with law he be beheaded after the Assizes. Let it be as proposed. The proper Board will take notice.

Respect this?

March 4th, 1880.

x The left Prince who takes precedence of all his seniors. S.

Ans. April 30
16 pm

Approve
C. P.
Wade

No. 619.

Two Enclosures.

Legation of the United States.

Peking, March 9th, 1880.

DEPARTMENT OF STATE
APR 26 1880
RECEIVED

George F. Seward to the Secretary of State.

Subject

Precautionary measures in view of the uneasiness caused by the sentence of Chung How.

Synopsis

The Admiral is advised of the uneasiness caused by the sentence of Chung How, and is asked to take precautionary measures in consequence.

No. 619.

Legation of the United States.

Peking, March 9th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have given to you in my despatch No. 618. a statement of facts in connection with the sentence passed upon Chung How which indicates a certain possible menace to foreigners in this Empire.

I am less disposed than my Colleagues to consider that there is any immediate occasion for anxiety, but I have thought it well, pursuing in this respect the course followed by them,

(&c

to call the attention of the Admiral to the disquiet occasioned by recent events, in order that he may take precautionary measures for the defence of our people and interests.

I have the honor to be,

Sir,

Your obedient servant,

George F. Rhoads

Inclosures.

1 - Letter to Admiral Patterson.

2 - Letter to Commander Green.

Despatch No. 619.
Inclosure 1.

Mr. Seward to Admiral Patterson.
5/1880 March 3rd, 1880.

Sir:—

Recent events at this Capital have seemed to some persons whose views are entitled to consideration to indicate a certain menace against foreign interests. While not at all disposed to think that there is any immediate occasion for anxiety, I am still of opinion that you should be apprised of the sentiment of which I have spoken with a view to your making such dispositions as will enable you to keep within ready communication with this capital and to use your vessels in the most perfect way for the protection of our interests in this part of the world.

I beg leave to hand to you herewith a copy of a letter which I am addressing to Commander Green of the "Palos".

I have etc, etc,

(Signed) George F. Seward.

Despatch No. 619.
Inclosure 2.

6/1880.

Mr. Seward to Commander Green

March 3rd, 1880.

Sir:—

I have just learned that the English, French & Russian vessels of war at Tientsin are likely to be called away at an early moment by the exigencies of the several services to which they belong. Under these circumstances I think it wise to ask you to advise me whether there is any special reason for you to leave for Shanghai so early as the 9th instant, and to defer your departure until you receive an answer from me.

I may say at the moment that I should be pleased to hear that you could remain at Tientsin until the return of the English gunboat, or the arrival of the viceroy from Paoting foo.

I am Sir, &c.

(signed) George F. Seward.

for Clerk

Grade

No. 620.

Legation of the United States.

Peking, March 10th, 1880.

DEPARTMENT OF STATE
APR 26 1880
RECEIVED

George F. Seward to

the Secretary of State.

Subject.

Mr. Cowles appointment as Interpreter at Foochow.

Synopsis.

Reports that the Consul General has communicated a copy of the Department's telegram confirming the appointment of Mr. Cowles.

No. 620.

Legation of the United States.

Peking, March 10th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to advise you that the Consul General has sent to me a copy of your telegraphic message to him of the 2nd instant confirming my appointment of Mr. J. F. Cowles as Interpreter at Foochow during the absence of Mr. Cheshire.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Ans'd - Mr Cheshire sent Commission at his post Mch 13. 1880.

Refer to Dept's instruction of Mr Hayward as to Mr. Cheshire's commission being sent C. P.

No. 621. One Enclosure

Legation of the United States.

Peking, March 10th, 1880.

DEPARTMENT OF STATE
APR 26 1880
RECEIVED

George F. Seward to the Secretary of State.

Subject.

Mr. Cheshire and the Interpretership at Foochow.

Synopsis.

Mr. Cheshire does not desire to resign. Calls attention again to the propriety of sending him a Commission as Interpreter and of dealing with the Interpreters as officers not employés.

No. 621. One Enclosure.

Legation of the United States.

Peking, March 10th, 1880.

Honorable William M. Evarts,

Secretary of State.

Sir:—

Mr. De Lano, Consul at Foochow, in a despatch regarding Mr. Cowles case addressed some time since to Mr. Bailey — wrote as follows: —

"I desire to impress upon you the fact
"that Mr. Cheshire has unmistakeably
"vacated his post with the knowledge and
"understanding that the vacancy would
"be filled as soon as a suitable person
"offered and that when leaving here
"he offered to hand me his resignation."

As

As Mr. Cheshire is a competent Interpreter and otherwise well qualified to perform Consular functions, and as it is an object of much concern to retain such persons in our service in China, I addressed to him a despatch on the 8th of January last requesting him to inform me whether Mr. De Lano's report as given above correctly represents his understanding of the matter. To this despatch he has responded in a letter dated
1/621. February 10th, a copy of which I send to you herewith.

You will see from his response that he does not desire to vacate his position and that the language used by him to Mr. De Lano as reported by the latter was drawn from him by

Mr.

Mr. De Lano's opposition to his going to Canton.

I beg leave to express again the hope that Mr. Cheshire's commission as Interpreter has been sent to him and that the Department will have favorably considered my letters of Nos. 502. 503. 528. & 550 advising that the Interpreters at large be dealt with as officers of the Government and not employés of the Consuls.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Enclosure

1 Mr. Cheshire to Mr. Seward.

No. 48. February 10th, 1880.

Despatch No. 621.

Inclosure 1.

Mr. Cheshire to Mr. Seward.

No. 48. February 10th, 1880.

Sir:

I have the honor to acknowledge the receipt of your despatch No 72, bearing date January 8th, in which you quote the following language used by Mr. DeLano in a despatch by him to Mr. Consul General Bailey to wit: "I desire to impress upon "you the fact that Mr. Cheshire has "unmistakably vacated his post with "the knowledge and understanding that "the vacancy would be filled as soon as "a suitable person offered and that "when leaving here he offered to hand "me his resignation."

You request me to inform you "whether it is my desire to vacate my position as Vice Consul and Interpreter at Tientsin, and if not to state what basis there is for Mr. DeLano's declaration, and you conclude your despatch by "remarking that the Department of State has already approved the action taken

by

by you by which I am at present acting in the absence of Mr. Lincoln.

In reply I would beg to inform you that, when I proposed to Mr. DeLano to go to Canton to act in the absence of Mr. Lincoln, as per your suggestion, he seemed very much opposed to my doing so and said to me that "if I did go I would have to do so at the risk of sacrificing my position at Foochow". I explained to Mr. DeLano that my principal reason for desiring to take charge of the Canton Consulate — temporarily was to have an opportunity of gaining a more varied experience of Consular work. He informed me that I was at liberty to act as I thought best.

It is true that I offered to hand Mr. DeLano my resignation (not that I desired to vacate my positions at Foochow) if he wished me to do so, but he informed me on the morning I left Foochow that there was no need for me to tender my resignation, at present, as he might — perhaps, from force of circumstances,

or

or otherwise, not require me to do so.

Under the circumstances I left Foochow Knowing that Mr. De Lano might call upon me at any time to tender my resignation.

I have the honor, etc.

(signed) T. D. Cheshire,

No. 622.

Legation of the United States.

Peking, March 12th, 1880.

DEPARTMENT OF STATE
APR 26 1880
RECEIVED

George F. Seward to the Secretary of State.

Subject.

Receipt of despatches.

Synopsis.

Acknowledges the receipt of despatches Nos. 329. and 330. The opening of navigation.

No. 622.

Legation of the United States.

Peking, March 12th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have had the honor to receive your despatches numbered 329. and 330. dated respectively the 27th of December and the 9th of January.

The first steamers of the season reached Tientsin on the 8th instant with Shanghai dates to the 3rd. The home mail was received at Shanghai on the 19th ultimo and sent up overland reaching here on the 9th instant.

I

I have the honor to be,

Sir,

Your obedient servant.

Wm H. Seward

Ack + approve
C. R.

Mr Adee

No. 623. Two Enclosures.

Legation of the United States,
Peking, March 16th, 1880.

George F. Seward to
the Secretary of State.

PRINTED.
FOREIGN RELATIONS.
1880

Subject.

Levy of tonnage-dues on cargo-boats.

Synopsis.

The Customs authorities at Foochow and Chefoo having notified a tonnage-due on cargo-boats which levy would be in contravention of treaty, the foreign Ministers have brought the matter before the Tsung-li-Yamen - which has disclaimed responsibility. - Circular note to Consuls on the subject.

No: 623. Two Enclosures.

Legation of the United States.

Peking, March 16th, 1880.

Honorable William M. Evarts,

Secretary of State.

Sir:—

I have the honor to hand to you, herewith, a despatch (No: 135. of 27th ultimo) which I have received from Mr. De Lano, reporting that the Customs Authorities at his port have notified by circular to the merchants there their intention to levy a tonnage due, or in lieu thereof, at the merchant's option, a registration fee, upon boats used in the lighterage of cargo in process of shipment or landing. 1/623.

landing. My Colleague, Sir Thomas Wade, has received the same information from his Consul at Foochow and also from his Consul at Chefoo.

My Colleagues generally before whom the subject has been placed by Sir T. Wade and myself agree with us in the opinion that all such levies would be in contravention of the treaties. They agree with us also in the opinion that Customs regulations generally should be promulgated by the direction of the Central Government and in a formal manner. One, at least, goes so far as to declare that he cannot consider any rules binding upon his countrymen which have not been communicated to

him

him by the Government and received his assent, while another declares that the practice of the Chinese in putting out at the ports rules affecting trade, regardless of a right construction of the treaties and with a view to hampering trade, is becoming inveterate and should be met by opposition at the ports and by claims for indemnity vigorously urged, in case they are put into operation notwithstanding such opposition.

My own view is that we cannot deny the right of the Chinese Government to make rules and regulations affecting all matters within their sovereignty, but that we may scrutinize all rules and regulations made or proposed by them which

which affect our nationals, and object
to them if we find them in contravention
of treaty stipulations, or suggest their
withdrawal or modification if they
appear burdensome and unnecessary.

Holding to this view I think
also that we may without offence
endeavor to lead the Chinese to
communicate to us in advance all
such rules and regulations, in
order that we may examine them
and state in advance of their
publication whether we should be
likely to complain of them as in
contravention of our treaties.

The question of principle involved
is an important one, and has occasioned
a great deal of discussion and
unpleasant feeling both in this
Empire

Empire and in Japan. I cannot doubt, however, the correctness of my own view. I have acted upon it ever since my arrival in this Capital, and shall continue to do so unless instructed to the contrary by yourself.

In the present instance after much controversy it was agreed by the Diplomatic Body as a preliminary step to send an interpreter to the Foreign Office to inquire whether instructions sustaining the action of the Foochow and Chefoo Customs had received the approval of the Foreign Office and, if so, to ask about the occasion for the adoption of the system. The Chinese Secretary of the British Legation was deputed for the purpose, and has reported that

that the Ministers appeared to know nothing of the matter but said that they would inquire into it, and communicate the result to the foreign Legations.

As all the rules pertaining to foreign intercourse are supposed to emanate from the Foreign Office you will see how loosely governmental affairs sometimes proceed in this country.

In view of the facts set forth above I am addressing a Circular letter to the several Consuls, a copy of which I inclose,

I have the honor to be, Sir,

Your obedient servant.

Thos. R. Read

Enclosures.

Enclosures.

1. Mr. De Lano to Mr. Seward.
No. 153. February 27th, 1850.

2. Mr. Seward to Consuls.
Circular March 20th, 1850

Despatch No: 623.
Inclosure 1.

Mr. De Lano to Mr. Seward.
No: 153. February 27th, 1880.

Sir:—

I have the honor to call your attention to a Customs Notification issued at this port on the 21st instant by the Commissioner of Customs, a copy of which I enclose herewith, calling upon the owners of cargo boats to apply for the re-registration and renumbering of such boats, and intimating that from the 1st proximo they will be required to pay "Tonnage Dues" in accordance with the rate fixed by treaty", or a registration fee of $20. upon each boat.

All foreign owned lighters (or so called cargo boats) employed in carrying cargo between ship and shore, within the limits of the harbor, at this port are numbered by the Customs and each number is, I am informed, entered in a register kept for that purpose at the Custom House, but no registration fee or Tonnage Dues have hitherto been demanded. The foreign owners of such boats object now to

(complying

complying with the demand.

Upon being addressed officially by the American firms owning such boats, making known their objection, I addressed a letter to the Commissioner of Customs to the effect that it did not seem clear to me that the Customs Authorities were authorized to exact such dues, and inasmuch as I was not advised that the new regulation had been made with the assent or concurrence of the Ministers at Peking, I suggested that the matter be kept in abeyance until the resident Consuls should be instructed by their superiors.

In the Commissioner's reply, received yesterday, he says "my instructions from the office of the Inspectorate at Peking are very clear in regard to the claim for Tonnage Dues and the authority given this office to offer the alternative of a registration fee, still, as the date from which the enforcement of the terms of the treaty in regard to this particular class of dues is not mentioned, I am prepared to meet your views to the extent of altering the date on which the

terms

terms of the notification should be complied with from the 1st to the 31st proximo."

I am clearly of the opinion that the exaction of Tonnage Dues, or Registration fees for lighters is not authorized by the treaties, also that if this sudden departure from a long established precedent had been arranged with the sanction of the Representatives of the Treaty Powers at Peking the Consuls at the various ports would have been advised of the fact.

It is understood that the claim is based upon Article XXXI. of the British Treaty of Tientsin, and that the right to offer the alternative of a registration fee is authorized by Art. XXII. of the French Treaty.

The phraseology of Art. VII of the American Treaty of 1845 is much the same, but it appears clearly to me that in each case the context points to a class of boats - lorchas, pafieos, &c, which have been employed in carrying passengers, luggage, letters and dutiable goods between certain ports, say between Canton and HongKong, or Canton and Macao, or between any of

the

the treaty ports, but not to lighters plying between ship and shore.

Force is given to this view by the following literal translation from the Chinese text of Art. XXXI. of the British Treaty of Tientsin.

"English merchants at the several ports,
"themselves using covered boats for the
"conveyance of passengers, luggage, letters,
"provisions and duty free articles, need
"not pay "Tonnage dues". If they bring with
"them or carry with them dutiable articles
"then once every four months they shall
"pay tonnage dues, one mace per ton."

The fact that for so many years lighters have been in use at the various ports and tonnage dues have not been demanded points to the conclusion that it has never hitherto been understood that payment of them was provided for by treaties.

Whether it is contemplated by the Customs Authorities that a registration fee (if the boat-owner should choose the alternative of paying such a fee) shall be collected annually, or only once, the "Notification" does not state, but it is fair to conclude

(that

that if they are authorized to cancel the certificates or licences now in effect, they can do the same next year, and claim the "fee" on each occasion. In such case it would entail on one American firm at this post an annual tax of about seven hundred dollars.

It is not likely that I shall be in possession of your response to this on the date fixed for the enforcement of the terms of the Notifications, in which case, if payments must be made, I shall advise that they be made under protest, pending the receipt of advices from you.

I have the honor, etc,

(signed) M. M. de Lano.

Customs Notification

1st Owners of cargo boats should apply at the Custom House to have their cargo-boats inspected, re-registered, renumbered and fresh certificates issued to them at as early a date as possible before the 15th March.

2d Those reported by the Consul will have the option of paying a registration fee of $20, or Tonnage Dues (in accordance with the rate fixed by treaty.)

3d No boat unprovided with a certificate from the Customs will be allowed to carry cargo - nor will any such certificate be issued to any but boats of a bonafide cargo type, which shall have passed the Custom's inspection and satisfied its requirements.

4th Cargo boats which from neglect on the part of the owner shall not have been registered as above by the first of March, will be struck off the Customs register and disqualified from carrying cargo.

(signed) C. Hannen.
Commissioner of Customs.

Custom House
21 Feby. 1850

Despatch No. 623
Inclosure

Circular to Consuls.

Peking, March 15th, 1880.

Sir:—

Information has reached this Legation that the Customs Authorities at certain ports have notified their intention to levy a tonnage dues, or in lieu thereof a registration fee, upon cargo-boats used for the shipment and discharge of cargo.

Inquiry having been made at the Tsung li Yamên in regard to the matter the Ministers stated that they were not aware that any new rules had been put out.

In case an effort to collect such levies shall be advanced at your port, you will inform the Authorities of this despatch and state that you expect them to take no further action under these circumstances.

I am, Sir, etc, etc,

(signed) George F. Seward.

to the Pres't May 17 & Mr Asst Sec'y
Ack't & give substance to press
C. P. Mr Porter

No. 624. One Enclosure.

Legation of the United States.
Peking, March 16th, 1880.

George F. Seward to
the Secretary of State.

Subject.

Cotton manufactory at Shanghai.

Synopsis.

Reporting that the enterprise has been abandoned, and that there is no prospect that the Chinese will enter soon upon the manufacture of cotton goods after foreign methods.

No. 624. One Enclosure.

Legation of the United States.

Peking, March 16th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Recurring to my despatch No. 554 in regard to the establishment of a cotton-manufactory at Shanghai I have now the honor to transmit to you a letter which I have received from Mr. Bailey stating that the enterprise has been abandoned. 1/624.

There is no prospect that the Chinese will enter soon upon the manufacture of cotton goods after foreign methods.

I

I have the honor to be,

Sir,

Your obedient servant.

George F. Seward

Enclosure.

1 Mr. Bailey to Mr. Seward.

No. 750. February 17th, 1880.

Despatch No: 624.
Inclosure 1.

Mr. Bailey to Mr. Seward.
No: 750. February 17th, 1880.

Sir:—

Referring to your despatch No: 219. of the 10th ultimo relating to a Cotton manufactory at Shanghai, I now have the honor to inform you that the building operations have been entirely suspended for some months, and it is reported that the Chinese promoters of the enterprise have left Shanghai and its neighborhood.

I have the honor, etc,
(signed) David H. Bailey.

File

Ack.

Mr Adee

No. 625. One Enclosure.

Legation of the United States,

Peking, March 16th, 1880.

DEPARTMENT OF STATE
MAY
11
1880
RECEIVED

George F. Seward to

the Secretary of State.

Subject

Claim of Mr. S. B. Quick.

Synopsis.

Reports that Mr. S. B. Quick has concluded to withdraw his claim against the Chinese Government.

No. 625. One Enclosure.

Legation of the United States.

Peking, March 16th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Recurring to my despatch No. 559, I have now the honor to hand to you a letter which I have received from Mr. Bailey reporting that Mr. S. B. Quick has withdrawn the claim referred to in that despatch.

I have the honor to be,

Sir,

Your obedient servant,

Geo. F. Seward

Enclosure

Enclosure.

1 Mr. Bailey to Mr. Seward.

No. 752. February 17th, 1860.

Despatch No. 625.
Inclosure 1.

Mr. Bailey to Mr. Seward.
No. 752. February 17th, 1880.

Sir:—

Referring to your despatch No. 221. of the 12th ultimo relating to a claim of S. B. Quick versus the Chinese Government, I now have the honor to inform you that I have seen Mr. Quick and he has concluded that lapse of so much time renders the further prosecution of his claim hopeless, He has therefore withdrawn his papers.

I have the honor to be, &c.
(signed) David H. Bailey

File

Ask

Mr Adee

No. 626

Legation of the United States.

Peking, March 16th, 1880.

DEPARTMENT OF STATE
MAY 11 1880
RECEIVED

George F. Seward to the Secretary of State.

Subject

Discharge of firearm on Yangtze River near Ichang.

Synopsis.

Reports the particulars as stated by the Consul at Hankow.

No. 626.

Legation of the United States.

Peking, March 16th, 1880.

Honorable William M. Evarts,

Secretary of State.

Sir:—

Recurring to my despatch No. 566, I have now the honor to inform you that the Consul at Hankow has reported to me the results of his inquiry into the case of the discharge of a firearm complained of by Prince Kung. It seems that a party of excursionists were in an unfrequented part of the river near Ichang and that a crowd of people on the bank to which their boat, in the absence

(of

of the crew, was tied up began to stone them. Although none of the party were injured they thought it desirable to discharge a fowling piece directed so as not to strike anyone in order to indicate that they were not defenseless. This was done by one of the gentlemen and not by a lady as reported by the Chinese, and it had the effect of putting an end to the trouble. The members of the party declare their confidence that no one was hurt, although it may be possible that a spent ricochet shot or shots struck the boy who is declared by the Chinese to have been injured.

I shall repeat this statement to the Yamen if the matter shall be again brought forward.

I have the honor to be, Sir, Your obedient servant

George F. Seward

File

Ack.

Wade

No 627. One Enclosure.

Legation of the United States.

Peking, March 16th, 1880.

George F. Seward to

the Secretary of State.

Subject.

Chinese emigration in Chinese steamers.

Synopsis.

The Consul General reports that he cannot say whether the Chinese Company will send other steamers to the Sandwich Islands or San Francisco. Reasons for believing that they will not attempt to take part in the California trade.

No. 627. One Enclosure.

Legation of the United States.

Peking, March 16th, 1880.

Sir:—

I have the honor to hand to you, herewith, a despatch which 1/627.
I have received from the Consul-General saying that he has not been able to learn whether any further steamers of the Chinese line will be despatched with emigrants to the Sandwich Islands or San Francisco.

As the vessels owned by the Chinese Company are too small for the California trade and as the route is already occupied by established and competent companies, it is not likely

likely that the former will make any serious attempt to take part in the traffic, at least, for the present. They may send other vessels to the Sandwich Islands, but even this in my opinion is doubtfull.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward.

Enclosure.

1 Mr. Bailey to Mr. Seward.

No. 753. February 17th, 1880.

Despatch No: 627.
Inclosure 1

Mr. Bailey to Mr. Seward,
No: 753. February 17th, 1880.

Sir:—

Referring to your No: 222. of the 4th ultimo relating to the China Merchants Steam Navigation Company sending other steamers to the Sandwich Islands and to San Francisco, I have now the honor to state in reply, that I cannot give you positive information in relation thereto. I am of the opinion, however, that the Company will be governed entirely by the state emigration, and that they stand ready to send the steamers provided the number of emigrants will warrant it.

I have the honor, etc,

(signed) David. H. Bailey.

Legation of the U.S.—China

March, 17, 1880.

Rec'd by telegram March 18. 1880. M. M.C.

Cipher in 77

397 — 1138 Rec

No. 44.

HALF RATE MESSAGES.

THE WESTERN UNION TELEGRAPH COMPANY.

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A. R. BREWER, Sec'y. NORVIN GREEN, President.

Dated Ann Arbor Mich March 17 1880

Received at 1056p

To Hon Wm M Evarts

DEPT. OF STATE. MAR 18 1880 RECEIVED.

WDC

Essential that it be made to appear clearly in the title that the appointment is for special Exigency. If so I Concur. Shall write Saturday

Jas B. Angell

READ THE NOTICE AT THE TOP.

Ark

No. 628. One Enclosure.

Legation of the United States,
Peking, March 17th, 1880.

DEPARTMENT OF STATE
MAY
11
1880
RECEIVED

George F. Seward to
the Secretary of State.

Subject.

Abduction of a Chinese woman at Wenchow.

Synopsis.

A citizen of the United States, resident at Wenchow, has been charged with the forcible abduction of a Chinese nun, and Consul Lord of Ningpo has proceeded to that place in the "Monocacy" to take action as may be necessary.

No. 628. One Enclosure.

Legation of the United States,

Peking, March 17th, 1880.

Honorable William M. Evarts,

Secretary of State,

Sir:—

I have the honor to hand to you, herewith, Mr. Bailey's despatch — 1/628.
— of the 4th instant reporting that a citizen of the United States resident at Wenchow near Foochow has been charged with the forcible abduction of a Chinese nun and that Dr. Lord, within whose Consular district Wenchow lies, has proceeded to that place in the vessel-of-war "Monocacy" to take such action as may be necessary.

The

The Chinese Authorities at Wenchow seem to have regarded the case as a serious one for they sent a special officer in a gunboat to Mr. Bailey to report the case.

I have the honor to be,

Sir,

Your obedient servant,

Geo. F. Seward.

Enclosure.

1 Mr. Bailey to Mr. Seward.

No. March 4th, 1880.

Despatch No: 628.
Enclosure 1.

Mr. Bailey to Mr. Seward
No: 345. March 4th, 1880.

Sir:—

I have the honor to inform you that a case wherein Mr. J. N. Burnett, an American citizen in the employ of the Imperial Maritime Customs, is charged with having been concerned in the forcible abduction of a Chinese nun at a village near Wenchow, has recently been brought to my notice, and that I have in due course referred the matter to Edward C. Lord Esquire, the U.S. Consul at Ningpo, within whose jurisdiction the case lies.

The case is one of very considerable importance and one that calls for prompt and vigorous action, as is shown by the fact of the Taotai at Wenchow having a few days since sent a Chinese gunboat with a special deputy to confer with me regarding the matter. The deputy informed me that the Taotai would be happy to place the gunboat either at my own or at Mr. Lord's disposal, should it be so desired.

A

A day or two since however I was placed in receipt of a communication from Dr. Lord, in which he expressed a strong preference for the services of the U. S. S. "Monocacy" if it could be found possible to detail her for that purpose. Upon my representations to Commander Sumner of the "Monocacy" he communicated by telegram with the Admiral at Hongkong, and will proceed to Ningpo today where he will place his vessel at Mr. Lord's service, under telegraphic instructions from the Admiral.

I have the honor, etc.

(signed) David H. Bailey.

Feb

Ack

Mr Adee

No. 629.

Two Enclosures.

Legation of the United States.

Peking, March 18th, 1880.

George F. Seward to

the Secretary of State.

Subject.

The Lewchew Question.

Synopsis.

Transmits the answer made by Mr. Bingham to Mr. Seward's note informing him of the attitude of China in the matter of mediation by the President.

Two Enclosures.

No. 629. Legation of the United States.

Peking, March 18th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I had the honor to transmit to you with my despatch No. 562. of the 16th of January a copy of a note which I was addressing to Mr. Bingham advising him of the views of the Chinese Government in regard to mediation in the Lewchew question, and I have now the honor to hand 1/629. to you a copy of his response, dated the 14th of February, and a copy of a brief note which I shall send 2/629. to him in acknowledgment of his letter.

letter.

As Mr. Bingham has not mentioned in his letter to me the communication made to him last summer by the Chinese Minister at Tokio and as he seems to assume in the letter sent to you herewith that your instruction thereupon had not been sent to me, I have thought it as well to make a reference to the correspondence so indicated, in my letter to him.

I have the honor to be,

Sir,

Your obedient servant.

Wm. H. Seward.

Enclosures.

1 Mr. Bingham to Mr. Seward. February 12th, 1870.

2. Mr. Seward to Mr. Bingham, March 18th, 1870.

Despatch No. 629.
Inclosure 1.

Mr. Bingham to Mr. Seward.
Confidential. Tokio, February 14th, 1880.

Sir:—

I have the honor to acknowledge the receipt by yesterday's mail of your confidential communication of the 14th ultimo in relation to the Lewchew question and the present position of the Foreign Office of China upon the matter.

From all that I can hear or infer of the attitude of this Government, it would seem that it is hoped and believed by His Imperial Majesty's Ministers that no occasion has arisen or will arise for calling in a mediator or arbitrator in the premises, but should this Government conclude, mutually with that of China, to ask the mediation of any Power, I have no doubt that the Japanese Government would join in requesting the good offices of the President of the United States.

The Foreign Office of China has doubtless

doubtless been advised of the expression by the President in his recent message to Congress of the readiness of the United States Government to extend its good offices for the maintenance of peace between China and Japan "if they should "mutually deem it desirable and find "it practicable to avail themselves of "the proffer."

I have no information from this Government that it has at any time indicated a desire for the interposition either of the President or of General Grant as mediator or arbitrator, though it is doubtless true, as published in some of the public journals, that several of the Japanese Ministers brought to General Grant's notice the subject matter of the recent occupation of Lew chew by this Government and of its reasons therefor.

This Government seems to treat Lewchew as being in every sense a Key of this Empire over which Japan has exclusive and rightful sovereignty.

Should

Should other action be taken by this Government, I shall be pleased to communicate with you in relation thereto.

It is to be hoped that the two Powers may avoid an armed conflict, however much they may differ about the relation of Luchow to them or to other Powers.

I have the honor to be,

Sir,

Your obedient servant.

(signed) Jno. A. Bingham.

Despatch No. 629.
Inclosure 2.

Mr. Seward to Mr. Bingham.

10/1880. March 18th, 1880.

Sir:—

I have had the honor to receive your letter of the 14th ultimo in relation to the Lewchew question and the mediation of the President.

I judge from the tenor of your response that the Japanese Government is less favorably disposed toward such intervention than this Government.

I have not mentioned to the Foreign Office the reference made to the subject of mediation in the President's message, I have communicated to it however Mr. Evart's instruction suggested by a letter from the Chinese Minister at Tokio to yourself.

I have the honor to be,

Sir,

Your obedient servant,

(signed) George F. Seward.

Ack & approve C. P. Dudley

No. 630. One Enclosure.

Legation of the United States.

Peking, March 18th, 1880.

George F. Seward to

the Secretary of State.

Subject.

Interference in Chinese cases.

Synopsis.

Transmits an instruction to Mr. Vice Consul Cheshire that he cannot assist Chinese resident in America to collect debts due from Chinese resident in China.

One Enclosure.

No. 630. Legation of the United States.

Peking, March 18th, 1880.

Honorable William M. Evarts,

Secretary of State.

Sir:

Mr. Cheshire, Vice Consul at Canton, writing to me unofficially has asked me whether he is authorized to aid Chinese resident in America to collect debts due to them from Chinese resident in China. I have responded to the contrary in terms of a letter which I inclose herewith. 1/630.

Mr. Cheshire states in the same communication that "similar "claims were presented to the Viceroy by

" by Mr. Lincoln, officially, last summer.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Enclosure.

1. Mr. Seward to Mr. Cheshire.

No. 84. March 18th, 1880.

Despatch No. 630.
Inclosure 1.

Mr. Seward to Mr. Cheshire,
No. 84. March 18th, 1880.

Sir:

I have had the honor to receive your unofficial letter of 20th February in which you say:—

"Mail before last I received two letters "addressed to Mr. Lincoln from Messrs "Edwards Pickens & Fulton of San Francisco, "presenting two claims in which the plaintiffs "and defendants are Chinese subjects and "requesting his good offices to secure payment "of the same. The defendants formerly "resided in San Francisco, but are now in "China.

"The claims are as follows:

"Sam Kee & Co. vs. Pang Wan Shing for $1,900.
Tong Cheong Woo Kee & Co. vs. Tong Lung Fook " 964.00

You add:—

"I am of opinion that it "is not within the province of a Consul "to present such cases to the Chinese Authorities."

I concur in your opinion, it will be well for you to respond to Messrs Edwards (Pickens

Pickens and Fulton saying that if the complainants are Chinese you cannot interfere, and that if they are citizens of the United States their proper course will be to send their proofs to an Agent, with proofs of their citizenship, and that you will in such case render to their Agent all the assistance appropriate to your position.

I am, Sir, etc, etc,

(Signed) George F. Seward.

File

Made

No 631. One Enclosure.

Legation of the United States.

Peking, March 20th, 1880.

DEPARTMENT OF STATE
MAY 11 1880
RECEIVED

George F. Seward to the Secretary of State.

Subject.

Procedure in mixed cases: Circular to Consuls.

Synopsis.

Transmits a circular note addressed to Consuls in China informing them that the Department has approved his Circular note of November 6th in regard to the procedure which should be followed in mixed cases.

One Enclosure.

No. 631. Legation of the United States.

Peking, March 20th, 1880.

Honorable William M. Evarts,

Secretary of State.

Sir:—

Recurring to your instruction No. 332. of January 17th last, approving the circular note addressed by me to our Consuls in this Empire, under date of November 6th, 1879. in regard to procedure in suits between our people and subjects of China, I have now the honor to transmit to you a circular letter which I am sending to the Consuls informing them of your instruction. 1/631.

I

I have the honor to be,

Sir,

Your obedient Servant,

Geo. T. Sweet

Despatch No. 631.
Inclosure 1.

Circular.

Mr. Seward to the Consuls.

March 20th, 1880.

Sir:—

I had the honor to address to you on the 6th of November last, a letter transmitting to you two Memoranda in regard to the trial of matters in which our people and Chinese are concerned, and I have now to inform you that the Department, by an instruction dated January 17th last, has approved my action in this respect

I am, Sir,

Your obedient servant.

(signed) George F. Seward.

Ack

made

No. 632.

Legation of the United States.

Peking, March 20th, 1880.

DEPARTMENT OF STATE
MAY
11
1880
RECEIVED

George F. Seward to

the Secretary of State.

Subject.

Commercial grievances.

Synopsis.

Acknowledges Department instruction No. 334. No progress has been made in the correction of commercial grievances. Discussion postponed because of unfavorable condition of public affairs. Mr. Seward believes that it is desirable to continue efforts.

No. 632. Legation of the United States.

Peking, March 20th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Recurring to your instruction No. 334. of the 14th of January and to my despatch No. 510. of the 21st of November, I have to express my thanks for your approval of my course in the discussion of trading grievances at the Conferences of last fall, and to state that no progress has been made saving such as was shown in my despatches No. 541, 579. and 591.

My Colleagues appear disposed to believe that the present moment

(is

is inopportune to press matters, because of the assumed strength of the reactionary party. In my opinion it would be better to proceed with the discussion and to draw away from it at a later moment if it should seem necessary, for reasons to be advanced by ourselves. As it is, the Chinese are led to believe that we are deterred from moving further by the simple fact that their attitude is unfavorable. It may be possible for me to impress this view upon my Colleagues.

I have the honor to be,

Sir,

Your obedient servant.

Gloss L. Lowell

Ask

Made

No. 633.

Legation of the United States.

Peking, March 20th, 1880.

DEPARTMENT OF STATE
MAY
11
1880
RECEIVED

George F. Seward to the Secretary of State.

Subject.

Procedure in mixed cases; Mr. Bingham's views.

Synopsis.

Mr. Bingham has not responded to Mr. Seward's note asking an expression of his opinions. Mr. Seward suggests that possibly this may be due to the fact that Mr. Bingham's views do not coincide with his own.

No. 633. Legation of the United States.

Peking. March 20th. 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Recurring to your instruction No. 333. approving my action in sending to Mr. Bingham a letter requesting his views upon two Memoranda prepared by me upon the subject of procedure in mixed cases arising in China, I have now the honor to inform you that I have received no response from him.

I have some reason to believe that Mr. Bingham holds

holds views in regard to the applicability of the laws of the territorial sovereignty to cases civil and criminal arising in China and Japan in which our people are concerned, which are more extreme than my own, and in fact go further than those of this Government. It has been my intention to address to you a letter setting forth with particularity parts of the Chinese laws to which we could not possibly yield assent without subjecting our people to the gravest dangers, and I shall do so hereafter if time will permit.

I have the honor to be,

Sir,

Your obedient servant,

Geo. F. Seward

No. 634.

Legation of the United States.
Peking. March 20th, 1880.

DEPARTMENT OF STATE
MAY 11 1880
RECEIVED

George F. Seward to
the Secretary of State.

Subject.

Receipt of despatches.

Synopsis.

Acknowledges the receipt of — "
despatches Nos 331. 332. 333. 334.
335. 336. 337. 338. and 339.

No. 634. Legation of the United States.

Peking, March 20th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to inform you that I received on the 18th instant your several instructions Nos. 331, 332, 333, 334, 335, 336, 337, 338, and 339, the last dated January 31st.

I have the honor to be,

Sir,

Your obedient servant.

Thos. F. Dwyer.

ACK

Mr Adee

No. 635. One Enclosure.

Legation of the United States.

Peking, March 20th, 1880.

George F. Seward to

the Secretary of State.

Subject.

Riot of 1874: Claims for indemnity.

Synopsis.

Mr. Bailey has paid a large part of the claims and has sent vouchers for the payments made. Asks whether these shall be sent to the Department.

No. 635. One Enclosure.

Legation of the United States.

Peking, March 20th, 1880.

Honorable William M. Evarts,

Secretary of State.

Sir:—

I have the honor to hand to you, herewith, a copy of a despatch dated the 11th instant which I have received from Mr. Bailey reporting the payment of a large part of the indemnity collected by him for the losses sustained by Americans in the riot of May 1874., in the French settlement at Shanghai. 1/635.

Mr. Bailey has sent with his despatch vouchers for the

General

several payments made by him. He has probably sent duplicate vouchers to yourself, but if not, and if the Department is considered to be the proper depository of these vouchers, I shall send them to you upon being so instructed.

I have the honor to be,

Sir,

Your obedient servant,

Geo. F. Train

Enclosure.

1. Mr. Bailey to Mr. Seward.

March 11th, 1880.

Despatch No. 635.
Inclosure 1.

Mr. Bailey to Mr. Seward.
March 11th, 1880.

Sir:—

Referring to my despatch No. 744 of January 8th, I have the honor to inclose duplicate vouchers for money paid to the claimants who met with losses in the riot of May, 1874, in the so-called French Concession, as follows:—

C. J. Ashley	$214.78.
T. E. Hankel	" 341.69.
Y. J. Allen	" 345.11.
A. St. John (pr. D. C. Jansen)	" 144.49.
Sallie Clark (pr. Charrier)	194.—
" " (" Sharp Joller & Johnson)	713.92. } 907.92.
Estate of John Forman	747.57.
W. N. Pickard.	35.14.

Besides these the sum of $76.15 has been transferred to the account of the Estate of T. B. H. Jenkins.

The amounts due Lovell, Estate of William Smith, and Miss Dollie Orleans have not yet been paid. I have

(made

made diligent inquiries as to the whereabouts of the latter, and am convinced she is not now in China, but is in the United States and I shall take immediate steps to communicate with her.

I have the honor, etc.

(signed) David H. Bailey.

Ack

Mdu

No 636. Two Enclosures.

Legation of the United States.

Peking, March 20th, 1880.

George F. Seward to the Secretary of State,

Subject

Chinese Emigration,

Synopsis.

Has not received from Mr. Mosby report upon emigration for last quarter of 1879, and has asked him for it. Sends item from London Mail saying that in 14 months 5,699 Chinese arrived in California and 10,947 left for China. In Novemb. and December - 571. arrived

(and

and 2,119 departed.

Two Enclosures.

No. 636. Legation of the United States.

Peking, March 20th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

The Consul at HongKong has not furnished me, although requested, with any information in regard to the movements of emigrants from HongKong to the United States during the last quarter of last year. I am therefore addressing to him a letter a copy of which I inclose herewith. 1/636.

I have found an interesting item concerning emigration in the London Mail of January 30th, 1880., and inclose a copy to you. 2/636.

S

I have the honor to be,

Sir,

Your obedient servant.

Geo. D. Broad

Enclosures.

1. Mr. Seward to Mr. Mosby.
March 20th, 1880.

2. Extract from London Mail of the 30th
January, 1880.

Despatch No: 636.
Inclosure 1.

Mr. Seward to Mr. Mosby.

March 20th, 1880.

Sir:—

I beg leave to ask you to favor me with a statement of the number of emigrants who left Hongkong for San Francisco during the last quarter of last year, and also to send to me similar statements for ensuing quarters. I am authorized by the Department to ask you for information bearing upon this subject, and I shall be pleased to receive any that you may be able to communicate and which in your opinion should be known to the representative at this Court.

I am, Sir,

Your obedient servant,

(Signed) George F. Seward.

Despatch No. 636.
Inclosure 2.

THE MAIL

LONDON, FRIDAY, JANUARY 30, 1880.

8

LATEST INTELLIGENCE.

THE UNITED STATES.

(By Anglo-American Cables.)
(from our correspondent.)

PHILADELPHIA, Jan. 30.

California advices indicate that the number of Chinese returning to China is larger than the number of arrivals. During the 14 months ending December, 5,699 Chinese arrived in San Francisco, and 10,947 departed for China. The exodus increases as time advances. During November and December 571 Chinese arrived and 2,119 departed.

Ack

No. 637. Made

Legation of the United States.

Peking, March 20th, 1880.

DEPARTMENT OF STATE
MAY 11 1880
RECEIVED

George F. Seward to the Secretary of State.

Subject.

Brazilian Embassy to China,

Synopsis.

Will give appropriate support to the Brazilian minister. The object of Brazil is to secure Chinese labor. She may secure stipulations like those of treaties with United States, Peru, and Spain, but cannot expect to secure immigrants unless she carries the immigrants to Brazil

Brazil at nominal rates.

No. 637.

Legation of the United States.

Peking, March 20th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have had the honor to receive your instruction No. 339. of January 31st, directing me "to extend to the Brazilian Embassy to China the friendly welcome and the moral support which is to be expected from the intimate relations so happily existing between the United States and Brazil".

omit

I shall have much pleasure

pleasure in complying with this instruction.

It is reported that the object of the Brazilian Government is to promote the immigration of Chinese into their country. It is probable, I think, that this Government will make no difficulties in the negotiation of a treaty of amity and commerce with clauses regarding immigration provided the Brazilians are prepared to accept such stipulations under this head as those heretofore made with the United States, Peru, and Spain. This Government will certainly refuse however to sanction any proposals for contract emigration, and unless the Brazilians are prepared to establish a line of

(Steamers

steamers for the carriage of emigrants and to provide them with passages at a nominal rate, they are not likely, as I believe, to secure practical results.

I have the honor to be,

Sir,

Your obedient servant,

Geo. Z. Grubb.

Ack Mr Adee

No. 638.

Legation of the United States.
Peking, March 20th, 1880.

George F. Seward to
the Secretary of State,

Subject.

The "Forest Belle" inquiry.

Synopsis.

Has sent a note to Mr. Denny informing him that the Department approves the conclusions reached by Mr. Seward and himself.

No. 638. Legation of the United States.

Peking, March 20th, 1880.

Honorable William M. Evarts,

Secretary of State,

Sir:—

I have the honor to acknowledge receipt of your instruction No. 335 of January 19th, informing me that the Department approves the conclusion reached by me and by Mr. Denny in the "Forest Belle" case, and to advise you that I have sent to Mr. Denny a despatch stating the fact.

It will be gratifying to him as it is to me that our views have received your approval.

I

I have the honor to be,

Sir,

Your obedient servant.

Geo. T. Stroad

Ack

Wadee

No. 639. One Enclosure.

Legation of the United States.
Peking, March 20th, 1880.

George F. Seward to
the Secretary of State.

Subject.

Judicial procedure in mixed cases.

Synopsis.

Acknowledges the Department's approval of the main proposition advanced in Mr. Seward's Memorandum on judicial procedure. Reports that no answer has been received to the joint note calling for reforms in the Mixed Court at Shanghai, and forwards an extract from the

the London Mail commenting upon the action of the Diplomatic Body in these matters,

No. 639. One Enclosure.

Legation of the United States.

Peking, March 20th, 1880.

Honorable William M. Evarts,

Secretary of State.

Sir:—

I have the honor to acknowledge the receipt of your despatch No. 337. advising me that "the main proposition advanced in "the Memorandum submitted by "me at the Conference of Foreign "Representatives at Peking and "accepted by my Colleagues, that "mixed cases, civil and criminal, in "which foreigners and Chinese are "concerned should be heard and determined

"determined in the proper Court
"of the defendant and in accordance
"with the laws of his country, —
"appears to agree with the position
"which has been uniformly held
"by the Department, and is —
"approved, and instructing me
"to proceed in concert with my
"Colleagues as suggested in the
"Report of the Committee upon
"the Administration of Justice."

I have not yet learned whether the conclusions of the Conference have been approved by any of the other Governments which were represented at the Conference. Their instructions should be received soon, however, and will be such, I doubt not,

(as

as will permit of the prosecution of the purposes indicated in the Committee's Report.

You will remember that the several Representatives " while referring certain general questions to their Governments agreed to place before the " Tsung-li Yamên at once a " statement of the reforms " needed in the so-called Mixed-Court at Shanghai, and that a copy of this letter, drafted by myself, was sent to you with my despatch No. 505. You will remember also that I advised you in my despatch No. 567. that the Yamên had replied courteously to our letter

(stating

stating that they had asked the Viceroy at Nanking to report upon the subject. A sufficient time has elapsed for them to have received an answer but none has been communicated to the Foreign Representatives and probably will not be until we call for it. I hear from Shanghai, however, unofficially, that the Magistrate of the Mixed Court endorses heartily the proposals of the Diplomatic Body and is using his influence to promote their acceptance by his superiors.

I beg leave to hand to
1639. you inclosed as bearing upon this subject an extract from

(a

a letter published in the London Mail (tri-weekly edition of the Times) of January 5th inst. last, commenting upon the action of the Diplomatic Body in these matters.

I have the honor to be,

Sir,

Your obedient servant

George F. Seward.

Inclosure.

1. Extract from London Mail of January 5th, 1880.

Despatch No. 639.
Inclosure — 1 —

THE MAIL, MONDAY,

JANUARY 5, 1880.

The subject of mixed Court reform is occupying the attention of the foreign Diplomatic Body at Pekin. There are in China no such things as mixed Courts, but the name has been unhappily misused to express the Chinese Courts where cases by foreign plaintiffs against Chinese defendants are heard. Acting on the maxim that unity is strength, the question has been referred to a select committee presided over by Mr. George F. Seward, the able Minister for the United States, in order to harmonize, if possible, the views of the different Governments before urging any reform in this important matter on the Chinese Government. The general principle laid down in the Chefoo Convention was that cases in China where one of the parties is a Chinaman and the other a foreigner shall be tried by the official of the defendant's nationality, and that the law administered in each case shall be the law of the nationality of the officer trying the case. This will probably be reaffirmed by all the Treaty Powers and by the Chinese Government, and made the basis of such legal reforms as they may think fit to adopt. I have often pointed out that there is no well-defined, well-understood code or system of civil law in China, and I may now further add that there is no desire to possess one, even among the most enlightened statesmen in China. What legal reforms under these circumstances are practicable it would be hard to say. The reforming agent in every case will have to be the consular officer watching the case in the Chinese court in the interest of his compatriots who may be plaintiffs, but his hands would seem to be tied by the general principle that with the decision and the law he has nothing to do. Some good, however, may be done by his personal influence with the Chinese Judge; by preventing the intimidation of witnesses; by securing an accurate record of the case; and by tabulating for future use the *rationes decidendi* which may have guided the Judge in each particular case. A large port such as this, where cases are constantly being brought by foreigners against Chinamen, would be the very place to commence building up a small code of commercial law; foreigners would then know what remedies they are likely to have for breaches of the contracts which make up the sum of the daily business of Shanghai. But to effect this there are two grand *desiderata*. One is that the Court should be armed with full powers to carry out its decisions wherever the abode of the plaintiffs may be, and the other is that the foreign assessors should be skilled men, combining an accurate knowledge of the general principles of jurisprudence and a certain familiarity with law courts with a knowledge of the Chinese language, and should be appointed permanently. A glance at any of the reports of the British assessors who have sat at the mixed court will show that such men are not wanting; but as a rule the unpleasant duties of an assessor in the so-called Mixed Court of Shanghai are hurried over by peripatetic consular functionaries who are here to-day and gone to-morrow, and who are only too content that the succession of compromises between suitors to which they may have given their consent shall be consigned to oblivion. It may be taken for granted that we shall never have in China the system of mixed Courts which has been found practicable in Egypt, and that being the case, the only course for foreign Governments to adopt will be to try to ameliorate in some degree the barbarous, shameful, and ridiculous procedure which is dignified by the name of a trial in a Chinese court, and to insist on the necessity of recording and tabulating for future guidance such decisions in civil cases as Chinese judges can be induced to give. A code of Civil Law we can never hope for; but a local edict, containing a few judge-made laws for use in cases where foreigners are plaintiffs, would be of vast use, and might have in the course of time the effect on China which the prætor's edict had on the Roman commonwealth.

Jans Dupl mary 1st 80
via Cal Duell

Ack & approve made

No. 640. Two Enclosures.

Legation of the United States.
Peking, March 20th, 1880,

George F. Seward to
the Secretary of State.

Subject,

The Methodist Mission, and their property in the Southern city.

Synopsis.

Reports a revival of the old hostility of the people to the missionaries and the manner in which it is displayed. Expresses the hope that the matter will be amicably settled between the parties by

(over

an exchange of properties.

No. 640. Two Enclosures.

Legation of the United States,
Peking, March 20th, 1880.

Honorable William M. Evarts,
Secretary of State.

Sir:—

Some years ago the missionaries of the American Methodist Society resident in this city purchased in the Southern or so-called Chinese city of this Capital, a house to be used as a chapel. The resident merchants and officials made a great deal of difficulty but the matter was finally adjusted by Governor Low, and the

missionaries

missionaries have been quietly in possession ever since.

Last fall, in view of the fact that the buildings were dilapidated and otherwise unfit for their purposes, they concluded to make repairs, and after consultation with me they gave notice, according to the Chinese custom or law, to the local officials, and no objection was made.

Within the last few days they have begun operations, and the old opposition to them on the part of the residents and the officials has been manifested. An apprentice of the Chinese builder has been arrested and is held in prison, and an intimation

(given

given to the builder that he may receive like treatment. Simultaneously the people of the neighborhood have told the missionaries that they do not want them to occupy the place and that they will find them another property.

The missionaries acting upon my advice have met all that has occurred in a pleasant way and while refusing to accept the property offered in exchange, have agreed to defer further building operations in order to give time for the selection of a suitable place to be exchanged for theirs. They had, in point of fact, no option but to take this course as their builder has become

become frightened and refused to go on with his work.

The Chinese concerned have not been content to interpose difficulties as they are well able to do, but they have sent the matter up to the Tsung-li-Yamên and the day before yesterday I received from the Ministers a despatch on the subject, a copy of which I inclose.

1/640.

This despatch is so far satisfactory as it appears to raise no objections to the holding of property by foreigners in the Chinese city, a point heretofore strongly urged. It seems to me to be so framed, moreover, as to suggest a way out

out of the difficulty by an exchange of properties.

I have accordingly urged the missionaries to meet the Chinese of the locality in any reasonable proposal which they may advance, and I have answered the Ministers in such way as to promote the object 2/640,

As our missionaries have not the right to hold property in Peking under our treaty, I am not disposed to make a serious matter of this case, but I shall do what I can to secure an amicable settlement of it. The Ministers of the Yamen will aid me in this respect so far as they can without showing unfriendliness toward

toward themselves, but the result cannot be foreseen.

I have the honor to be,

Sir,

Your obedient servant,

Georg F. Seward.

Enclosures.

1. Tsung-li-Yamen to Mr. Seward.

March 18th 1880.

2. Mr. Seward to Tsung-li-Yamen.

March 20th, 1880.

Despatch No. 641.
Inclosure 1.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication.

Some years ago some American Missionaries rented premises for a Chapel in the Chinese City. Inasmuch as the house which was selected by them had been wanted by the people for a public institution (house for gathering and burning fragments of literary paper). This Yamen in 1871 came to an understanding with Minister Low, by which the Missionaries should relinquish the premises as soon as the people could give them another house equally good and so informed the officials concerned.

This Yamen is now in receipt of a communication from the Censorate and Yamen of streets and roads saying that the necessary funds has been subscribed and a large and convenient

building in the Hai Pei Street purchased, the exchange of which will be to the mutual advantage of all parties concerned, also asking that the missionaries be requested to stop repairing their old premises so that an exchange of the properties may be made. It becomes the duty of this Yamên to make this communication to Your Excellency and to request you to instruct the missionaries to stop their building operations and exchange properties in accordance with the terms of the old agreement and for the mutual benefit of all parties.

Your Excellency has resided many years in China and we doubt not that you will see the justice of this arrangement.

Requesting the favor of a reply etc. etc.

Peking, 18th March, 1880.

Despatch No. 641.
Inclosure 2.

Mr. Seward to the Ministers of the Tsung li Yamen.

Peking, March 20th, 1880.

Y. E. E.

Your letter regarding the property of the American Methodist Missionary Society in the Chinese city has been received by me, and I have communicated with the Missionaries on the subject. They inform me that they have now been in quiet possession of the property for eight years and do not wish to exchange it for any other property. As the buildings were insecure they decided some six months ago to repair them but not in such manner as to alter their external appearance, and they gave notice accordingly to the officials of the locality. Their present work is in prosecution of this decision.

As Y. E. E. suggest that the premises are wanted by a public institution, the Missionaries acting in a conciliatory spirit are prepared to stop all

all work on the buildings for ten days, and meanwhile discuss with those concerned any proposals which may be made to exchange the property for some other. They declare however that the premises in the Kai-Pei Szu Street are not satisfactory.

In addition to sending to Y. E. E. this statement, I beg leave to ask you to make it known to the local officials and to urge them to call upon the people who would like to occupy the property to make haste to find another suitable place for the missionaries.

(Signed) George F. Seward.

Ack

No. 641. One Enclosure.

Legation of the United States.

Peking, March 22nd, 1880.

DEPARTMENT OF STATE
MAY 11 1880
RECEIVED

George F. Seward to the Secretary of State.

Subject.

Cotton and Woolen mills in China,

Synopsis.

Forwards extract from the Shanghai Courier commenting upon the abandonment of the scheme, also an extract from the N. C. Daily News mentioning a woolen mill at Lan Chow, which Mr. Seward hears is not a great success.

No. 641. One Enclosure.

Legation of the United States

Peking, March 22nd 1880.

Honorable William M. Evarts,

Secretary of State,

Sir:—

Referring to my several dispatches in regard to the proposed cotton-mill at Shanghai, I have now the honor to hand to you 1/641.
an item which I have extracted from the Shanghai Courier of the 11th of March. You will learn from it that Mr. Bailey's statement that the enterprise has been abandoned, practically, is correct, and also that it was

(under

under the patronage of the Viceroy Li Hung Chang.

I send to you also an item taken from the North China Daily News of March 9th, mentioning a woolen-mill established at Lan-chow in Yunnan, the north western province of China. The inference from this item is, that the enterprise is progressing favorably, but I hear from other sources that it is not a great success. Its patron is the Viceroy Tso-Tsang-Tang, the conqueror of Kashgaria and the leading mover in the present hostile policy to Russia.

I have the honor to be, Sir,
Your obedient servant.
Geo. F. Seward.

Enclosure

Enclosure,

1 Extracts from Shanghai Courier of March 11th 1880, and North-China Daily News of March 8th, 1880.

Despatch No. 641.
Enclosure -1-

THE SHANGHAI COURIER,
THURSDAY, 11TH MARCH, 1880.

The North-China Daily News.

SHANGHAI, MARCH 8, 1880.

Among the gentlemen who arrived from Hankow by the steamer *Shanghai* on Saturday afternoon, was Mr. H. Hagge, who has just returned from Lan-chow-fu in the province of Kiangsu. It may be remembered that the Chinese Government has established a woollen factory at that place, and engaged the services of several foreign gentlemen to manage it. Mr. Hagge states that no difficulty is experienced in the working of the machinery by the natives employed, all of whom have been brought from Foochow. The sheeps' wool supplied is of the finest quality, and a great deal of camels' wool also comes to the factory. The people in that part of the country live almost entirely on meat and wheat flour, and the mutton is spoken of as being very good. The foreigners live in a compound of their own, and are well provided for by the Government in every respect. Mr. Hagge states that at the end of last August, an Austrian nobleman, Count Szechényi, left Lan-chow-fu with the intention of going to India through Thibet, but he has not heard anything of him since that time. It took Mr. Hagge fifty-two days to reach Hankow from Lan-chow-fu.

THE PROPOSED NATIVE COTTON MILLS.

The following is an account of the history of the Chinese Cotton Mills scheme, which it was proposed to inaugurate sometime since. Our information is gathered from native sources. The principal personages connected with the concern are Pêng and T'a, expectant *tao tais*. The former has been prefect of Chang teh-fu, in Szechuen, and the latter has never held office. At the present time Pêng is absent in Hupeh, whither he has proceeded in order to raise funds for the fulfilment of the cotton mills scheme, and paying the demands which have been made upon him. T'a is still in Shanghai. As everybody knows, the progress in the building of the mills is at this time stopped for want of funds, and the natives are of opinion that the scheme will never be carried out, as the Chinese merchants look unfavorably on the connection of mandarins with it, though efforts have been, and still are being, made to get up a new company to take the concern over. When the idea was first started, H. E. Li-Hung Chang was consulted by Pêng, and he gave his support and drew up certain rules and remarks for the guidance of those who might join the enterprise. The remarks caused considerable excitement among foreigners at the time, owing to something that the Viceroy said about the honesty of certain foreigners. So soon as Pêng was in possession of favorable communications from H. E., he set to work to organize a company and put himself in communication with a foreign broker for the purpose of obtaining machinery from England. The foreigner's terms being too high, he was recommended to a foreign firm which agreed to do the needful for a smaller sum, with more machinery. The bargain money was fixed at Tls. 50,000. Pêng gave promissory notes for Tls. 20,000, and when they fell due was unable to meet them! One of the partners of the foreign firm, finding how matters were going, went to Tientsin to see H.E. Li Hung-Chang, in order that the Viceroy might help him to get his money. Pêng also went to Tientsin to see his patron. We have stated above that H.E. gave his sanction to the formation of a company to establish cotton mills. H.E. asked Pêng how it was that he did not pay the foreigner the money that was due, and further stated that if he had no money at the time he first mentioned his scheme, why did he not wait, or why did he undertake the business at all? It is as well to mention here, that T'a had originally informed the Viceroy that he was possessed of over Tls. 200,000, so when he came on the scene he asked H. E. to allow him to take the management of the company. The Viceroy informed him that as Pêng had been commissioned from the first to act in the matter, he could not now put T'a in his place, but he trusted that T'a would co-operate with Pêng and help him all he could. Then T'a came to Shanghai and asked one of his relatives, his mother, we believe, to put him in funds, for he had none himself, notwithstanding his admission to the Viceroy of the amount of his wealth. The request was declined. Pêng accounts for the money not being forthcoming owing to those who took shares declining to pay up, though he states he *will pay when the money comes in*. At one of the interviews the Viceroy is stated to have said "Don't bother me, you had better return to Shanghai and settle the matter." Two days ago it was reported that T'a was trying to compromise the matter with the foreign hong by paying Tls. 10,000. The natives consider that a great mistake was made in that the firm did not get the agreement stamped with official seals before proceeding to execute the contract to supply the machinery.

No. 642. Two Enclosures

Legation of the United States.

Peking, March 27th, 1880.

DEPARTMENT OF STATE
MAY
N
1880
RECEIVED

George F. Seward to the Secretary of State

Subject.

The Sites case. Residence of Missionaries inland.

Synopsis.

Forwards correspondence with Mr. DeLano in regard to the right of missionaries to reside inland and refers to his way of reporting cases without sending copies of his correspondence with the Chinese authorities.

No. 642. Two Enclosures.

Legation of the United States.

Peking, March 27th, 1880.

Honorable William M. Evarts,

Secretary of State

Sir:—

I have the honor to hand to you, herewith, a further despatch which I have received from Mr. De Lano in regard to Mr. Sites's case and the right of missionaries to reside and to acquire properties inland.

I have responded to this letter indicating that he may be too positive in his

(arguments

arguments sustaining the missionaries who by sufferance have established themselves at interior points and reaffirming my previous despatch on this subject.

I have felt obliged also to intimate to Mr. Delano that his reports in regard to this case are unsatisfactory in so much as he has so far failed to send me copies of the letters which have passed between him and the authorities, although twice requested to do so.

I think that you will agree with me that the Legation has the right to be fully informed by the Consuls regarding all

all cases affecting our relations with this Government and to direct, subject to the views of the Department, the measures to be taken in settlement of them.

I have the honor to be,

Sir,

Your obedient servant.

George F. Seward.

Enclosures.

1. Mr. Delano to Mr. Seward.
   No. 156. March 13th, 1880.
2. Mr. Seward to Mr. Delano.
   No. 114. March 27th, 1880.

Despatch No. 642.
Inclosure 1

Mr. Delano to Mr. Seward.
No. 156. March 13th, 1880.

Sir:

I have had the honor to receive your despatch No. 116, in which, besides other things, you say, "it is not possible for us to conceal the fact that the right of missionaries to hold property in the interior of China does not come to us by our treaty, and that our Government has never been disposed to claim the right under the favored nation clause." In my dealings with the Chinese authorities here in matters involving this subject, I have never strongly asserted such a right (knowing that it does not come to us by our treaty) and, happily, the officials have rarely raised the question, but I have at times felt called upon when discussing questions arising from controversies in regard to the promulgation of Christian doctrines in premises acquired by missionaries, as well as when discussing

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prices often demanded for such premises to refer to Art. XIII. of the British Treaty of Tientsin, and to claim for our people, under the favored nation clause, all the rights conferred by that article on British subjects.

But in dealing with such cases as that of the Rev. Mr. Sites, now in hand, or that part of it which relates to the assault upon him, I appeal to Art. XI. of our treaty of 1858. This I can do without raising the question of right of residence inland, which in no case would be a valid answer to complaints of violence or insult. It appears to me, too, that I may safely - in the event of the question being pointedly raised, refer to Art. 6 of our Supplementary Treaty, and contend that so long as the French missionaries, who are more numerous than ours, are permitted to acquire property and reside beyond the treaty ports, our people should enjoy the same privilege.

Referring to the closing paragraph

of

of your despatch under reply, I beg to say that it has never been my practice to send up copies of correspondence in such cases as the Yen Ping emeute as long as there has remained a prospect of reaching a satisfactory settlement of them here. There seems now to be little chance of obtaining such a settlement, in this case without the aid of pressure at the Capital, hence I shall forward the correspondence at an early date.

I have the honor to be,
Sir,
Your obedient servant,
(signed) M. M. DeLano.

Despatch No. 642.
Inclosure — 2 —

Mr. Seward to Mr. DeLano.

March 27th, 1880.

Sir:—

Recurring to your despatch No. 156. I have to remark that it will not be well for you to appeal to the favored nation clauses of our treaties in support of the right of our missionaries to reside and acquire properties inland, but to adhere carefully to the tenor of my instruction No. 106. It will be time enough for us to assert such a right when our Government, in view of all the responsibility which residence of our people inland will entail upon it, has authorized us to set up the claim.

I have to remark also that Art. XII. of the British Treaty of 1858. does not refer to residence inland. The "other places" of that article have been declared by competent authority to mean such points as Whampoa, Pagoda Anchorage, and Woosung, which

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are anchorages respectively for ships visiting Canton, Foochow, and Shanghai, where the interests of trade render establishments on shore necessary.

I shall hope to receive transcripts of your correspondence with the authorities in regard to Mr. Sites' case at an early moment.

You say that it has never been your practice to send to the Legation copies of correspondence in such cases as that of Mr. Sites so long as there has remained a prospect of reaching a satisfactory settlement on the spot. To this I must answer frankly that your practice has not been right. The Legation is entitled to know all the facts in cases affecting our relations with this Empire and, subject to approval by the Department, to direct the course to be followed in effecting their adjustment. No report of facts can be considered satisfactory which is not accompanied by transcripts of correspondence and notes of conversations (held)

held with the Authorities.

This does not imply that you are not at liberty to move for the adjustment of difficulties in the absence of instructions. The principles upon which our intercourse is conducted are clearly laid down and it is your duty to proceed according to them whenever the way is open. But whether the intervention of the Legation may or may not be necessary it is not for you to decide. It is your part to keep the Legation informed and that of the Legation to consider whether you are proceeding within right lines and whether representation to the Central Government may be desirable, and to act accordingly.

I am, Sir
Your obedient Servant.
(Signed) George F. Seward.

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No. 643. One Enclosure.

DEPARTMENT OF STATE
JUN 8 1880
RECEIVED

Legation of the United States.
Peking, March 27th, 1880.

George F. Seward to
the Secretary of State.

Subject.

Tax on cargo-boats.

PRINTED.
FOREIGN RELATIONS.
1880

Synopsis.

Transmits letter from the Tsung-li-Yamen in which the Ministers uphold their right to tax cargo-boats but waive this right, and indicate that registration rules are needed in order to prevent smuggling.

No. 643. One Enclosure.

Legation of the United States.

Peking, March 27th, 1880.

Honorable William M. Evarts,

Secretary of State,

Sir:—

Recurring to my despatch of the 16th instant No. 623. in regard to a proposed tax on cargo-boats (lighters), I have now the honor to hand to you a letter which has been addressed to the British Minister as Doyen of the Diplomatic Body by the Tsung-li-Yamên in reference to the inquiries made by the Chinese Secretary of his Legation.

You

You will see that the Ministers appear to uphold their right to tax cargoboats, but waive taxation and indicate that rules for the registration of such craft are needed in order to prevent smuggling, and will be framed and communicated to the foreign Representatives.

I have the honor to be,

Sir,

Your obedient servant.

George F. Seward

Enclosure.

1. Ministers of Tsung-li-Yamên to Doyen of Diplomatic Body.

March 20th, 1880.

Despatch No 643.
Inclosure 1.

Tonnage Dues on cargoboats.

semi-official 20th March, 1880.

The Ministers of the Tsung-li-Yamên to the British Minister.

Referring to the British Minister's note of the 14th instant, regarding the imposition of tonnage dues on cargo-boats by the Customs, and also to the conversation had with Mr. Bronan, the writers now beg to inform the British Minister that they called upon the Inspector General of Customs for a report on the subject. This report is to the effect that at the ports, there are, in addition to sea-going vessels, two kinds of craft;- one being the boats used for the conveyance of passengers, letters, and baggage, and with reference to these, Art. XXXI. of

the

the Tientsin Treaty states that "no tonnage dues shall be payable "on boats employed by British "subjects in the conveyance of "articles not subject to duty at "any of the open ports"; and, in accordance with the stipulations of this article, no tonnage dues have been levied on boats of this description. The other kind is the craft used within the port in attendance on sea-going vessels, for the purpose of transhipping cargo. With regard to these, Art. XXXI. of the British Treaty states "that all cargo-boats conveying "merchandise subject to duty shall "pay tonnage-dues once in four months "at the rate of one mace per registered "ton". These craft, then, if the property of a national of a treaty-power, are, under the treaty, liable to tonnage-dues; and if they are the property of Chinese subjects, or of the nationals of non-treaty

powers

powers, it is open to the Chinese Government to make special regulations applicable to them, or to direct the Customs to treat them in the same way as other craft.

Regulations, moreover, which have been agreed upon, between the Superintendent of Customs and the Consuls at the several ports, are in existence under which cargo-boats require to be numbered and registered at the Custom House, and to have their number painted on the hull.

It having come to the knowledge of the Commissioner of Customs at Foochow, last year, that the cargo-boats plying between Nantai and Pagoda Island were engaged in smuggling, the Inspector General again issued circular instructions to the Commissioners at the several ports; but these instructions did not authorize them

(to

to frame new regulations on the subject; it merely directed them to publish anew the rules in force at the respective ports respecting the registration of cargo-boats. The fact is, to the Inspector General continues, that the tonnage dues on cargo-boats, although sanctioned by treaty, are of such slight importance to the Revenue that they may as well not be enforced. But the registration of cargo-boats is a measure which it is imperative on the Customs to enforce, and this must now be insisted upon.

When proper regulations on the subject have been proposed, their adoption can be discussed conjointly; meanwhile this acknowledgment is sent to the British Minister's note.

Kwang Hsü, 6th year, 2nd moon, 10th day.
(March 20th, 1880.)

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Mr Adee

No. 644. Two Enclosures.

Legation of the United States,
Peking, March 27th, 1880.

George F. Seward to
the Secretary of State,

Subject.

Conservation of the Shanghai Harbor.

Synopsis.

Forwards letter from the Shanghai General Chamber of Commerce approving the modified rules of 1878.

No. 644. Two Enclosures.

Legation of the United States.

Peking, March 27th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Recurring to my despatch No. 564. of the 20th of January, informing you that the Tsung-li-Yamên and the foreign Representatives had reached an understanding regarding the conservation of the harbor at Shanghai by which the rules of 1878, with certain modifications were to be put in force, and transmitting to you a copy of

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my instruction to Mr. Consul General Bailey. I have now the honor to hand to you a copy of his response and a copy of a note from the Chamber of Commerce inclosed with it.

You will see from this correspondence that the modified rules are approved by the Chamber.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Enclosures.

1. Mr. Bailey to Mr. Seward. March 16th, 1880.
2. Chamber of Commerce to Mr. Bailey. March 16th, 1880.

Despatch No: 644.
Inclosure 1—

Mr. Bailey to Mr. Seward.

March 16th, 1880

Sir:—

I have the honor to acknowledge the receipt of your despatch No: 223, of January 20th inst: concerning the rules for the harbor at this port, and in reply I have to inform you that a copy of the same has been forwarded to the Shanghai General Chamber of Commerce, together with a reference to your despatch No: 113, of February 1878, forwarded by General Stahel to the Chamber. I now beg to inclose a copy of a reply of J. B. Forbes Esquire Chairman of the Chamber concerning your despatch under acknowledgment.

The second paragraph of Mr. Forbes' letter relates to native craft anchoring in the channel fairways opposite and below the settlements, a subject which was recently brought before the Consular Body, and concerning which the Doyen of that Body was

[instructed

instructed to correspond with the Taotai with a view to the abatement of such obstructions to the safe navigation of the river.

I have the honor to be,
Sir,
Your obedient servant.
(signed) David H. Bailey.

Despatch No: 644.
Inclosure. 2.

Shanghai, 16th March 1886.

David H. Bailey Esquire,
U. S. Consul General.

Sir:—

I have the honor to acknowledge the receipt of your letter No. 337. of the 26th February covering a copy of a despatch from His Excellency the U. S. Minister at Peking, with the sixteen rules to be adopted by the Chinese Government for the conservation of the river Whangpoo to the South and outside of the foreign Concessions.

It is very satisfactory to know that the Imperial Government has at length taken action in the matter so far as the regulation of the anchorage in this Southern portion of the river and the objectionable discharge of ballast from native craft in any spot where they may happen to be lying, and I trust that the representations lately made to you in my letter of 25th February with regard to the more northern portion

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of the river will meet with as favorable attention when brought in due course to the notice of the Authorities,

I have to request that you will convey to His Excellency the thanks of the Chamber for his exertions in inducing the Chinese Government to take these steps for the preservation of the waterways in the neighborhood of the settlement and for his courtesy in acquainting the Chamber with the success of his endeavours for the welfare of this community.

I have the honor to be,

Sir,

Your obedient servant.

(signed) T. B. Forbes.

Chairman, Ch. of Commerce.

Ack

made

No. 645.

Legation of the United States.

Peking, March 27th, 1880.

DEPARTMENT OF STATE
JUN 8 1880
RECEIVED

George F. Seward to the Secretary of State.

Subject.

Mr. Lincoln's gun business.

Synopsis.

Mr. Cheshire reports, unofficially, that the Chinese have telegraphed to Sir W. Armstrong & Co. inquiring about Mr. Lincoln's contract. He hears also that the second installment of money has been sent.

No. 645.

Legation of the United States.

Peking, March 27th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Mr. Cheshire writes to me unofficially under date of — March 6th, that the Chinese — authorities have telegraphed to Messrs Sir William Armstrong & Co. inquiring about Mr. Lincoln's contract with them, and saying that they will transmit to them the amount of the second installment in case they receive a favorable — answer. He says that he hears

(also

also, but not positively, that an answer has been received and the amount mentioned had been sent.

I have the honor to be,

Sir,

Your obedient servant.

Geo. T. Sewall

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Made

No. 646. Two Enclosures.

Legation of the United States.

Peking, March 29th, 1880.

DEPARTMENT OF STATE
JUN 8 1880
RECEIVED

George F. Seward to the Secretary of State.

Subject.

The Methodist Mission property in the Chinese city.

Synopsis.

Reports that the business has progressed toward a settlement which is likely to be effected in a day or two.

Comments generally upon the conciliatory conduct of the Missionaries in meeting the captious and obstructive dealing of the Chinese in such cases.

No. 646. Two Enclosures.

Legation of the United States.

Peking, March 29th, 1880.

Honorable William M. Evarts,

Secretary of State,

Sir:—

Since I addressed you on the 20th inst. in regard to a controversy which has sprung up in the city in consequence of an effort made by the missionaries of the Methodist Episcopal Society to repair the buildings on a property owned by them in the Chinese City, the business has progressed toward a settlement. The Missionaries have discussed various

various proposals made to them for an exchange of properties, and they now believe that an arrangement which will be mutually satisfactory will be reached in a day or two.

Further letters have passed between the Yamên and myself copies of which I inclose.

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2/646.

The Missionaries deserve much credit for the patience and good sense that they have shown. They were completely at the mercy of the opponents for the latter could have prevented them from effecting repairs by arresting the workmen on trumped up charges. In point of fact, the Chinese began the controversy

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by making such an arrest and the native builder declined to go on with the work in consequence.

The Methodist is the only missionary body which has succeeded in effecting a lodgment in the Southern City. In the Northern or Tartar city, missionaries are established in some half-dozen or more widely separated localities.

I have the honor to be,

Sir,

Your obedient servant.

George F. Seward

Enclosures.

1. Prince Kung to Mr. Seward. March 26th, 1880.

2 Mr. Seward to Prince Kung. March 29th, 1880.

Despatch No. 646.
Inclosure 1.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication in reply.

I have had the honor to receive Your Excellency's communication of the 20th instant in regard to the premises occupied by the missionaries in the Chinese city. The contents of Y. E's despatch has been communicated to the Yamen of roads and streets, and a reply to the following effect is received. "The missionaries do not "state why they are unwilling to "take the house in the "Hai Pei Ez" "street. If another house is offered "to them they will probably not "like it either. The fact that the "missionaries have stopped the work "to their old premises in order to come "to an understanding proves that "they are very just and reasonable, "but the limit of 10 days during "which to discuss the affair is very

(short

"short and the time has expired, the
"people will require more time to
"search for a satisfactory house, —
"therefore please request the
"missionaries to stop the work for
"some time longer."

Since, as Your Excellency says, the Missionaries are not satisfied with the house (which has been bought) in the "Hsi-Pei-Szu" street, will you kindly request them to give more time, and meanwhile stop the building operations; and will you also favor us with a reply.

H. E. George F. Seward,
etc ___ etc ___ etc ___ etc

Peking, March 26th, 1880.

Despatch No. 646.
Inclosure. 2.

Mr. Seward to the Ministers of the Tsung-li-Yamên.

Peking, March 29th, 1880.

Y. E. E.'s letter of the 26th instant in regard to the property of the Methodist Missionary Society in the Chinese City was duly received. At the moment of its receipt the missionaries were negotiating with the people concerned in regard to an exchange of properties, and it did not seem necessary to respond. I am informed now that they expect to conclude a satisfactory exchange of properties at an early moment.

I seize the opportunity etc. etc.

(signed) George F. Seward.

Ask made

No. 647. One Enclosure.

Legation of the United States.

Peking, March 29th, 1880.

George F. Seward to

the Secretary of State,

Subject.

Abduction case at Wenchow.

Synopsis.

Transmits a newspaper item showing that a trial has been held, the charge sustained, and an appeal taken.

No. 647. One Enclosure.

Legation of the United States.

Peking, March 29th, 1880.

Honorable William M. Evarts,

Secretary of State,

Sir:—

Referring to my despatch, number 628., in regard to a charge preferred against a citizen of the United States & resident at Iverchow of having abducted a Chinese woman, I have now the honor to hand to you an item taken from a Shanghai newspaper which indicates that a trial has been held, and that the allegation has

1/647.

has been sustained by the Consul, but that an appeal has been taken on grounds of law and of fact.

I have the honor to be,
Sir,
Your obedient servant.
George F. Seward

Enclosure.
1. Extract from Shanghai newspaper.
March 19th, 1880.

Despatch No. 647.
Enclosure.

The Shanghai Courier.

FRIDAY, 19TH MARCH,

THE trial of the Customs officer at Wenchow, charged with having been concerned in the abduction of a native girl from a nunnery near that port, has been brought to a conclusion. The U. S. man-of-war *Monocacy*, on board of which the trial took place, arrived here this morning, and is anchored below the shipping.

The result of the trial is that the Customs' officer was found guilty and sentenced to one year's imprisonment. The Associates dissented from the verdict and judgment. The accuseds will, we understand, appeal at Peking against the verdict, chiefly on the ground that the Court was not properly constituted. The Court was composed of the United States Consul at Ningpo, the Taotai, and three naval officers, and the accused holds that local American citizens should have been substituted for the naval officers. Pending the result of the appeal, the accused has been liberated on bail to the extent of $1,500. The accused pleaded that he had no hand in taking away the girl; that she was brought to the house; that he never meddled with her in any way, and that he was anxious to get her taken back to the nunnery, but he was unable to do so, and the girl herself objected to go.

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made

No. 648. One Enclosure.

DEPARTMENT OF STATE
JUNE
8
1880
RECEIVED

Legation of the United States.

Peking, March 30th, 1880.

George F. Seward to the Secretary of State.

Subject.

Political situation at Peking.

Synopsis.

Transmits a copy of a letter addressed to Admiral Patterson upon this subject.

No. 648. One Enclosure.

Legation of the United States.

Peking, March 30th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:

Recurring to my despatch, number 619, transmitting to you a letter which I was addressing to Admiral Patterson in regard to the political situation in this Empire and the occasion for precautionary measures on his part, I have now the honor to hand to you a 648.
further letter to the Admiral

dealing

dealing with the same matter.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Enclosure.

1. Hon. Seward to Admiral Patterson.

No. 12/1880. March 29th, 1880.

Despatch No. 618.
Inclosure.

Mr. Seward to Admiral Patterson,
12/1880, March 29th, 1880.

Sir:—

Nothing has occurred since I addressed you on the 3rd instant which alters the situation as stated to you in my letter of that date.

There is, so nearly as I can judge, no danger of an outbreak between China and Japan. The correspondence between the two Governments has a groove more pacific and whatever may result eventually the Chinese at least do not at the moment intend to deal with the matter at issue in a serious way.

There is again no intention on the part of this Government to bring about a collision with Russia. The actual proposal is to reopen negotiations at St. Petersburgh and to hold the decision upon ulterior steps completely in reserve. A collision may occur on the Kuldja frontier at any moment.

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but even this might not lead to open war.

In a general way I should say that the only immediate danger to our people resident at the ports or elsewhere will grow out of the encouragement which the anti-foreign element, and the unruly classes generally will take out of the supposed success of the antiforeign faction in this Capital and the feeling of uneasiness generated by the uncertainties of the situation.

Under these circumstances I can not do less than to repeat to you my previous suggestion that our naval forces in these waters should be so placed as to be available in case of need.

I have the honor to be,

Sir,

Your obedient servant.

(signed) George F. Seward.

File.

Ask

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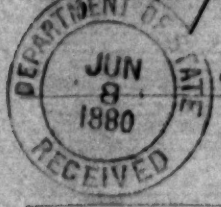
No. 649. One Enclosure.



Legation of the United States.

Peking, March 31st, 1880.

George F. Seward to

the Secretary of State.

Subject.

Chinese emigration to Peru.

Synopsis.

Transmits an extract from the Canton Trade report for 1878. giving the Chinese view of Alyphant & Co's enterprise, and indicates that, while it was an honest undertaking on their part, they were discredited by the old abuses in connection with the Peruvian

Peruvian coolie trade and an unwise procedure on their own part.

No. 649. One Enclosure.

Legation of the United States.

Peking, March 31st, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

The reports on Trade, &c submitted annually by the Commissioners of Customs at the open ports of China, have been made complete to the end of 1878, by the issue of a volume for that year. I have given the several papers contained in it careful examination, and I shall have occasion hereafter to remark upon various topics dealt with in

in them which have attracted
my attention.

At the moment I beg
leave to place before you some
1/649. pages, which I have cut out
from the Canton Report, having
reference to the scheme to promote
Chinese emigration to Peru with
which our countrymen, Messrs.
Aly phant & Company were
identified, and which resulted
disastrously for them.

While I am satisfied
that the statements of the Report
are generally overdrawn, it is
quite certain that the Chinese
Authorities at Canton, moved
in this direction perhaps by
certain foreign interests, felt
an

an honest distrust of the whole business. To this distrust the course, innocently pursued by Messrs. Olyphant & Company, but with lack of prudence, gave additional strength.

As the scheme was one concerning the Peruvian Government, and as the first vessel engaged for the traffic was not American but Belgian, the business did not seem to call for the interference of this Legation prior to my departure for America in June, 1878. Our Consul at Canton was understood to have acted unofficially in aid of Messrs Olyphant & Company,

but

but no report had been sent by him to me, excepting a single private letter, a copy of which will be found with Mr. Holcombe's despatch number 24. of July 5th, 1878. It is only since I have read the statements of the Beaton Report, and in their connection examined the correspondence on file in this office, that I have learned the details of Messrs. Oliphant & Company's attempt to procure emigrants, and of their failure.

The Japanese, it may be said, can appreciate the difference between the two ways of emigrating set forth below. If a steamer comes

comes into one of their ports, and advertises to take freight and passengers to some foreign & country, and if individuals come forward, apply for passages, pay for them, and in due season without constraint repair on board with their luggage, there is not anything in the & circumstances calculated to arouse their suspicions. But if they find that efforts are being made to procure & passengers through agents & employed for the purpose, that those engaged belong to the poorest and most ignorant class, that they have no means with which to pay for their

passages

passages, that they have to be cared for even until the sailing day and furnished perhaps with clothing, it is not strange that the circumstances should appear to call for examination.

It seems that Messrs. Aly phant & Company fell into the serious error of endeavoring to conduct their business in the latter way.

Now there is nothing immoral in what they then did. They had a contract with the Peruvian Government under which they were to establish a line of steamships between China and Peru. They were to receive a heavy subsidy.

The

The Peruvians expected to receive in return a considerable number of Chinese free emigrants and certain other benefits. It was possible for Messrs. Clyphant & Company to believe that when they made known to the given Chinaman the fact that he could get good employment in Peru, and that they would transport him thither for $80. if he could pay so much, or for nothing at all if he could pay nothing, they were acting only a very kindly part. It is quite possible for us to believe just as they did.

But their error lay in this. They forgot that the coolie

trade

trade pure and simple had been conducted from the China coast in very much the same manner as that in which they were proceeding. The coolie had been invited to go, he had been provided with lodgings and necessaries while awaiting his ship, he had been promised a certain monthly wage after his arrival abroad, the least possible had been said about the deduction of his passage expenses from his wages to be earned abroad. In the one case undoubtedly fraud was intended from the beginning and was carried so far that the African slave trade was attended by few greater horrors.

In

In the other case, undoubtedly the disposition was to deal in the most fair manner. But the procedure in both was so nearly the same that trouble only could have been expected. The last thing that the house of Olyphant and Company ever intended to do was to enter into the coolie trade, and yet they proceeded so like the old coolie traders, that they submitted themselves not only to the danger of being attacked as such, but also of putting their whole enterprise in risk.

Although I had not considered the enterprise one in which this Legation was concerned, had perhaps been led

led too far by a sense of deference to the Peruvian Government and a disposition to allow them to manage their own affairs, my letter in response to the one from the Consul at Canton to which I have already referred, will indicate that I foresaw some of the difficulties and pointed out the only means by which they could be avoided.

After saying that the Chinese could not refuse to allow free emigration I wrote as follows:- "As to what constitutes "free emigration you must be "guided by a careful examination of "our statutes in regard to the "coolie trade. It is very doubtful whether

"whether it can be considered
"allowable to take emigrants who
"are to pay their passages at the other
"end." x x x x x
x x x. "Looking to this fact
"you should consider whether it
"is not desirable to speak freely
"with the Viceroy, and to arrange
"with him rules for emigration."
x x "I suggest this as a
"way of dealing with the business
"which cannot be cavilled at."

To those members of the
house of Oliphant & Company
with whom I had the opportunity
of speaking, I used the same
language.

It is impossible of
course to sustain the course
pursued

pursued by the Chinese Authorities. They should have stated the conditions of emigration in clear terms, and have adhered to them. This they did not do, but advanced one objection after another until it became impossible to comply with their conditions. How far this course was pursued deliberately in order to prevent all emigration to Peru, or was the result of Chinese peculiarities of administration and the methods of the given Viceroy, cannot be told.

I had occasion a few days since to remark upon the movement to promote Chinese emigration now being set

set on foot by the Government of Brazil. That Government will, no doubt, profit by the experience of Peru, yet it becomes doubtful whether they will be disposed to take up the patient and somewhat expensive policy which is the only one which will be successful.

I have the honor to be,

Sir,

Your obedient servant.

George F. Seward

Enclosure.

1. Canton Report on Trade for the year 1878.

Despatch No. 649.
Enclosure.

Emigration.—While the Australian colonies are following the example of California in demanding that legislative measures be adopted to restrict the immigration of Chinese, the attention of the Chinese authorities of this province was occupied during the months of May and June by an attempt to re-open the emigration of Chinese labourers to Peru, formerly carried on from Macao. Some time in 1877, an American firm, Messrs. OLYPHANT & Co., had entered into a contract with the Peruvian Government to run a line of large steamers between Peru and China for the conveyance of mails, passengers and cargo. The object of the Peruvian Government in establishing this new line was to afford facilities for the importation of Chinese labour into Peru, where it was urgently needed to develope the agricultural resources of the country, and more particularly for the cultivation of the Sugar fields. Messrs. OLYPHANT & Co.'s contract was to cover a period of five years, during which they were to receive an annual subsidy of $160,000 and certain concessions in connection with the sale of what are known as 'Nitrates.' In return, their steamers were to make 28 trips a year between China and Peru, calling at the Sandwich Islands,—where Chinese labour is also required,—*en route*, and importing not less than 500 Chinese labourers each trip. It was originally the intention of Messrs. OLYPHANT & Co. that their steamers should start from the British colony of Hongkong, and the first steamer of the new line arrived there on the 24th November 1877. She belonged formerly to the P. and O. Company, and was entered as the British steamer *Nemesis* from London, but on the 15th December her flag and name were changed, and she became the Belgian steamer *Perusia* of Antwerp. Application was made in due course to the Hongkong Government for permission to embark Chinese passengers by the company's steamers for Peru and the Sandwich Islands, and it was asked that the same facilities might be extended to them as were allowed to the American mail steamers in the shipment of Chinese passengers to San Francisco. This, however, was refused by the Hongkong Government, and, acting under stringent orders from home, Messrs. OLYPHANT & Co. were notified that not only would no Chinese passengers be allowed to embark in the *Perusia* for the Sandwich Islands or Peru, but that they would be required to give a bond that the fittings which were being put up in the *Perusia* should not be used for the conveyance of passengers to Peru from any port in China. This settled the question as far as Hongkong was concerned, and the *Perusia* left on her first trip for Callao without passengers. Shortly afterwards an English vessel, the *Charter Oak*, was refused permission to embark passengers from Hongkong for Honolulu.

It was then decided by the agents that on the return voyage the *Perusia* should come to Canton to embark her passengers, and accordingly, early in the year, the U.S. Consul informed the Governor General of the Two Kwang of the establishment of the new line between Canton and Callao, stating that the steamers would take passengers and cargo like any other steamers, and that on their return voyage to China they would bring back at the expense of the Peruvian Government any Chinese who were entitled to repatriation under the terms of the Peruvian Treaty. This passenger emigration was to be carried on in conformity with the stipulations of that Treaty, the 6th Article of which reads as follows in the English version: "The Republic of Peru and the Empire of China cordially recognize the inherent and inalienable right of man to change his home. Their citizens and subjects respectively may consequently go freely from the one country to the other for the purpose of curiosity, trade, labour, or as permanent residents. The high contracting parties therefore agree that the citizens and subjects of both countries shall only emigrate with their free and voluntary consent, and join in reprobating any other than a free and voluntary emigration for the said purposes, and every act of violence or fraud that may be employed in Maçao or the ports of China to carry away Chinese subjects." The Chinese version says that "methods for collecting emigrants of whatever kind are not allowed." At the Consul's request, the District Magistrate was directed to prepare a proclamation in this sense.

regulations provide, are formally forbidden." This stipulation as to the personal payment of passage money was also insisted on in the Convention for the regulation of the Chinese Emigration to Cuba, concluded with Spain in November 1877, and ratified towards the close of the present year. Messrs. OLYPHANT & Co. submitted under protest to the Governor General's demands; and accordingly on the 6th June, between 60 and 70 passengers were brought to the Custom House for examination. After the examination had proceeded for some time, and about 40 of those presented, whose answers were straight-forward and connected, had been passed, seven of those still waiting came forward, threw down their passage tickets and declared that they were unwilling to go to Peru. They stated in answer to questions that they were destitute persons of various cottages out of employment, that they had been met in the street by persons unknown to them and taken to one of Messrs. OLYPHANT & Co.'s depôts, where they had been given food and clothing. It was explained to them that they were required to go to Peru, where they would receive constant employment and good wages. They were told that Messrs. OLYPHANT & Co. would pay their passages to Peru. Some understood that they would have to repay Messrs. OLYPHANT & Co.; others were not told so. They were also told at the agency that when they went before the Consul and Commissioner of Customs they must say that they had paid $ 80 a-piece for their passage tickets, and if further questioned as to how they had procured the money, they were to reply that it had been given them by an uncle or father, or some relative.

When this incident was reported to the Governor General, he immediately decided that a more rigid examination must be applied than mere questioning to ascertain the *bona fides* of the intending passengers; and it was accordingly notified that each passenger must produce the guarantee of a respectable shopkeeper, vouching for the truth of his statements before he would be allowed to embark. The 41 passengers who had been passed previous to the disaffection of the seven who threw down their tickets, were brought back and re-examined. Twenty-four of their number being unable to produce the required guarantees were rejected and refused permission to re-embark. Finally, 137 passengers in all, having produced sureties satisfactory to the Chinese officials, were permitted to embark in the *Perusia*. Of these, 118 took passage for the Sandwich Islands (Honolulu) and 19 for Peru. The U.S. Consul, who was supported at a critical period of the negotiations by the presence of an American sloop of war, summoned to Canton for the purpose, has protested, on behalf of Messrs. OLYPHANT & Co., against the measures adopted by the Chinese authorities, and indemnity is claimed for all losses sustained. The matter has been referred to Peking, and the case is not yet settled. The *Perusia*, after being detained some time by her agents at Whampoa, left for Honolulu and Callao on the 22nd July. Messrs. OLYPHANT & Co.'s contract with the Peruvian Government has fallen through, the firm having been declared bankrupt.

The action of the Chinese authorities has been much blamed in certain quarters for interfering to prevent the prosecution of a scheme of emigration, which it was claimed would not only have been very advantageous to Peru, but would have greatly benefitted the coolies that would have gone there; and it was argued that the high commercial standing of the American firm, and the recent Treaty engagements of the Peruvian Government, afforded a reasonable guarantee that the undertaking would be carried out in good faith, and that the labourers would be well treated. But it must be remembered, in justice to the Chinese authorities, that the scheme, as it developed

One Enclosure.

DEPARTMENT OF STATE
JUN
8
1880
RECEIVED

Legation of the United States.

Peking, April 1st, 1880.

Chester Holcombe to

the Secretary of State.

Subject.

Statement of Salary account.

Synopsis.

Forwards statement for the 4
quarter ended March 31st, 1880.

TM

One Enclosure.

Legation of the United States.

Peking, April 1st, 1880.

Honorable William M. Evarts.

Secretary of State

Sir:-

I have the honor to hand to you, herewith, a statement of my account for salary for the quarter ended with the 31st ultimo.

A duplicate will be forwarded by the next mail.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Enclosure.

Enclosure.

1. Statement of salary account for the quarter ended March 31st, 1880.

Made
I add a despatch from Mr. Seward of June 12. 1880. as interesting and giving reason to hope a satisfactory adjustment of the question
C. P.

No. 650. One Enclosure.

DEPARTMENT OF STATE
JUN 9 1880
RECEIVED

Legation of the United States.
Peking, April 14th, 1880.

George F. Seward to the Secretary of State.

REFERRED
EDUCATIONS

Subject.

The administration of justice in mixed cases. Mixed Court at Shanghai

Synopsis.

Transmits and comments upon the answer made by the Foreign Office to the note regarding the Mixed Court at Shanghai addressed to the Yamen by the Diplomatic Body in November, 1879. The answer

not

not satisfactory, but not entirely unsatisfactory. Further steps will be taken by the Diplomatic Body.

No. 650. One Enclosure.

Legation of the United States

Peking, April 14th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Recurring to my several despatches regarding the administration of justice in mixed cases in China, and more particularly to my letters regarding the Mixed Court, so called, at Shanghai, I have now the honor to hand to you a note, No. 650. which I have received from Prince Kung, in rejoinder to the note addressed to him by the several

several foreign Representatives in November last.

You will remember that the Prince wrote to us, soon after our letter was sent to him, saying that he had referred it to the Southern Superintendent of Trade, (Viceroy at Nanking,) for a report. The note now in hand shows that the viceroy in turn referred the business to the Intendant of Circuit (Taotai) at Shanghai, and that the Taotai's views form the substance of the answer now made to us.

In commenting upon the answer I shall follow the divisions of the subject made

made in the Viceroy's report.

1st. "The Chinese Deputy
(Magistrate of the Mixed Court)
"should have an official seal."

Our proposal, more
clearly stated, was that the
Magistrate should be granted
an Imperial Commission and
Seal. It was based upon the
simple proposition that it is
usual in China to commission
all officers from Peking, and
that officers deputed by the
Provincial Authorities could
not be supposed to command
the same respect as those
appointed in due course of
administration.

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I see nothing in the response which invalidates our view. The report sets forth simply that "the Deputy appointed to the "Mixed Court has a letter of "authority from the Viceroy and "Governor, which is the same "as a commission, and he is "provided with a seal which is "the same as a seal from the "Board. (at Peking.) In the "administration of public "business his powers differ in "no respect from those of a "regularly commissioned officer."

Perhaps in one sense they do not. The letter of authority granted by the Viceroy and Governor may empower the Deputy

deputy to do all that he could do if he bore a commission from Peking. But that is not all of the case. The question is really whether the Magistrate feels himself secure in his position, and able as a consequence to act with that degree of confidence independence and vigor which is desirable, and this question has been answered in the negative by the several Consular officers who have acted as Associates at the Mixed Court, and who have had the opportunity to observe the temper and disposition of the Magistrate. It is not unreasonable to suppose that, as

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a mere delegate, he would be independent, and the facts sustain the theory.

It will be noticed that the report gives no reason why an Imperial commission may not be bestowed on the Magistrate. There is no good reason existing, as I believe. I gave this part of the subject some study several years ago at Shanghai, and I was assured by competent Chinese that such action is not unknown to the Chinese system. The effect of the proposed action would be to erect the foreign settlements at Shanghai into a separate

Judicial

judicial district. It would not otherwise disturb the existing order of things. This certainly is not a serious matter to bring about under any Governmental system, much less under one which is so elastic as that of China. It has been done practically by the authority already granted to the Mixed Court. It is only the perfect confirmation of this action which is now called for. The Mixed Court Magistrate himself is authority for the statement that his position as a deputed officer of the Provincial Authorities places him at a great disadvantage,

not

not only before the people, who understand that his tenure is not that of an officer duly commissioned, but also before his colleagues, the other officers of the district, who are duly commissioned.

In point of fact the matter is too clear to need argument. The Court, as at present constituted, bears the semblance of a temporary expedient outside of the regular administration. It can only be given the dignity which it should have as the Court of first resort in all the affairs at Shanghai in which foreigners are the complaining parties and natives are the defendants, by being recognized from

from the Capital as a part of the Imperial system. Its dignity and efficiency are both at stake, and the great commercial interests of the port cannot be satisfied as matters stand.

While the Provincial Officers have reported against the proposals of the Legations in this respect, and while the Tsung li Yamen has endorsed their conclusion, the question cannot be allowed thus to drop. In point of fact, the foreign Representatives were very modest in what they proposed, and might be blamed rather for not going far enough, than for asking too much, or what was unnecessary.

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The response made to our representations will illustrate this. It shows, for instance, that all the labor attending the administration of justice at Shanghai, in cases where Chinese who are resident within the foreign settlements are concerned as defendants, whether as against natives or foreigners, must be heard and determined, in the first instance, in the, so called, Mixed Court. Now the population thus affected is not less than 160,000. It is evident that a Magistrate who presides over such a district, and who has to hear all matters of dispute arising within it, from a police case up to an action in admiralty

admiralty, will have more on his hands than he can be expected in reason to attend to. It is only because the judicial procedure of China is summary to a degree, that the present Magistrate, who has presided over the Court since its foundation seventeen years ago, has been able to keep abreast of his work. Such a mass of duties would give employment to several Magistrates, each having his own department, and each sustained by a competent staff of clerks and bailiffs. I mention this one point only, at the moment, to illustrate my remark that the foreign Ministers were

modest

modest in their representations.
What I have to say further in
comment upon the despatch of the
Yamen will afford other evidence
to the same effect.

What is said further by
the Yamen under this head is
more or less perfectly true. It is
a fact that, under the statutes of the
Empire, the writs of a given
Magistrate run only within his
own district, and that it is
difficult to punish a literary
graduate for any delinquency until
he has been stripped of the rank
which belongs to him in virtue
of his literary success. No complaint
whatever can be made upon the
first point, but clearly the system

which

which puts a large part of the population in a position of independence from prosecution in the Courts is faulty in the extreme. It is this fact, imperfectly understood, which has given rise in great measure to the dissatisfaction of foreigners with the Court, which they cannot respect when they find that it is not respected by the Chinese themselves. It is an evil, however, which we cannot do away with. An improved status of the Magistrate would enable him to exercise more perfectly those arts of persuasion which must be resorted to in such cases, and this is about all which can be predicated

predicated in the matter.

It is not accurate, however, to put down all the failures of the court to enforce process against debtors to these two causes, and to the fact that many debtors are poor and must be allowed time. Our processes of attachments of property pending the trial of a cause and of the execution of judgments by seizure and sale do not seem to find analogies in the Chinese system, or, if they exist, do not appear to be used so freely as we use them. Their courts proceed, apparently, upon the plan of attaching the person of the debtor wherever practicable, and of forcing him in this way,

to

to find the means to discharge his debts, and it favors compositions, and the extension of time upon the security given by friends and clients to a degree not familiar with us. The consequence is a large measure of uncertainty in the processes of the law, and many opportunities on the part of Magistrates to aid debtors in the avoidance of their obligations, the motives being those of a friendly, prudential, or other sort.

2nd It That the pay and allowances of the Magistrate are inadequate.

The complaint made was not so much that the Magistrate is not adequately paid, as

as that the allowances for the support of the Court generally, are inadequate, and that the prison is too small and otherwise defective.

It would not be appropriate to raise any question with the Yamen in regard to the pay of the Magistrate and of his subordinates. It was not intended by the foreign Representatives to do this when they addressed themselves to the Tsungli Yamen on the general subject of the allowances made to the Court. It is by no means likely that the Magistrate is adequately paid, for Chinese officials seldom, if ever, are. Neither is it likely that his clerks and bailiffs are paid enough

to

to make them independent of the fees which are not the less demanded by such officers because they are not recognized as a part of the judicial system. It would be difficult, however, if not impossible to dwell upon this part of the subject without giving offense, and the facts are not so familiar to us that we could give evidence in support of our representations.

As respects the prison, the report from Shanghai acknowledges the merit of the complaints which we made. It says:- "The accommodations "for persons under confinement are "not large and crowding cannot be "avoided." This is exactly what we called attention to. The merit of

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our representation will be very
evident to a person familiar with
Chinese prisons and Chinese ideas
of prisons in face of this frank
acknowledgement. There is no such
thing in China as a prison which
has been erected with a reasonable
regard to the comfort and health of
the prisoners. Speaking of those
at Canton Mr. Williams says:—
"The prisons are arranged "
"somewhat on the plan of a large
"stable, having an open central
"court occupying nearly one fourth
"of the area, and small cribs or
"stalls, covered by a roof, "
"extending nearly around it,
"so contrived that each company
"of prisoners shall be separated
from

"from each other night and day,
"though more by night than by
"day. The prisoners cook for
"themselves in the court, and are
"secured by manacles and
"gyves, and a chain joining
"the hands to the neck; one hand
"is liberated in the daytime in
"order to allow them to take care
"of themselves. Heinous criminals
"are more heavily ironed, and
"those in the prison attached
"to the Judge's office are worse
"treated than the others. Each
"criminal should receive a
"daily ration of two pounds of
"rice and about two cents to buy
"fuel, but the Jailor starves them
"on half this allowance if they
are

"are unable to pay him, clothing
"is also scantily provided, but
"those who have money can procure
"almost every convenience. Each
"crib full of criminals is under
"the control of a turnkey, who with
"a few old offenders, spend
"much time in torturing newly
"arrived persons to force money
"from them, by which many
"lose their lives and all suffer
"far more than they do from the
"officers of Government. Hell
"may the people call their prisons
"hells, and say when a man
"falls into the clutches of the
"jailors or police, "the flesh is
"under the cleaver."

I should not be willing

to

to say that all Chinese prisons would answer to the foregoing description, and certainly I should not say that the prison of the Mixed Court at Shanghai has exhibited the abominations which are set forth in it. But there is no denying the fact that Chinese prisons at large are such as to reflect the greatest discredit upon this Government, and that, bad as they are represented to be in the given instance, reports of Chinese officers could be quoted which would make out a worse case even.

An effort which deserves commendation has been made by the Mixed Court Magistrate,

some

some of the particulars of which are recited in the report before us. The drafting off of prisoners who are in fact mainly vagrants and beggars, and the relief so afforded to the Mixed Court prisons are steps worthy of commendation. But this does not alter the fact that the cells of the given prison are mere pens in which the prisoners cannot be adequately cared for or segregated.

Part 3rd of the Chinese report deals in continuation with the condition of the prisons and of the efforts made to relieve it, as above stated.

Part 4th. Grave criminal cases should be tried by the District

District Magistrate conjointly with the Mixed Court Magistrate.

Our proposal was not that this procedure should be decided upon, but rather that all references to the District Magistrate should be done away with, the Mixed Court Magistrate sitting in all criminal cases as the magistrate of first instance. We did propose, however, that, if this could not be granted, the District Magistrate, in all cases when his interference might be necessary, should go to the Mixed Court and sit upon the trial with the Mixed Court Magistrate, and in accordance with the rules for the

the Mixed Court.

The Shanghai report seems to advise that the alternative request as presented should be complied with. It will be as well, in my opinion, to raise no further question upon the subject, and to proceed with the Yamen to frame a rule which will be clear in terms setting forth the conclusion which has been reached.

It will be noticed that the Shanghai report, after dealing with the matters submitted by the foreign Representatives, proceeds to propose additional rules, which

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are, in effect, as follows:—

1st. That cases in which foreigners are defendants and natives prosecutors, the trial shall be held at the Mixed Court, the foreign Officer going there to conduct the trial, and the native Magistrate sitting to watch proceedings: more serious cases to be heard by the chief Judicial officer of the defendant, and those of less importance by an assistant.

2nd. In mixed cases, no & attorneys shall be & employed.

It is to be remarked regarding these proposals that the

the first is inadmissible and the second of doubtful propriety. So long as the rule holds that all cases are to be heard in the defendants court, it is right and appropriate that the trials should be held at the office of the defendants magistrate, Chinese cases at the native Yamen, and foreign cases at the foreign Consulate or Court. Any other rule would be inconvenient and in derogation of the dignity of the given Court. It is not likely that any stress will be laid by the Foreign Office on this proposal, but it is likely that they will be urgent in regard

to

to the admission of lawyers. No lawyers are admitted into & ordinary Chinese Courts, and it can be understood that the & presence of foreign attorneys in mixed cases, particularly those against Chinese, which are & heard by the native magistrate, must be considered out of order by him and irksome to a marked degree. Yet it would be difficult to deny to our people the privilege of presenting their matters by men skilled in law, in the examination of witnesses, and the presentation of cases to Courts. The position of a foreign assessor is certainly a more dignified one when he sits with the native

judge

judge, not as an active assistant of his national who is before the Court, but to consult with the Magistrate as to the pertinency of the evidence offered, its admissibility, etc. The prospect of a case being made fit to go before appellate judges must be considered far greater, too, when lawyers are employed. Yet undoubtedly the presence of lawyers, under the circumstances, must be subject to regulation. It may be that they should be allowed only to prepare pleadings, to suggest questions to the Magistrate in the examination of witnesses, and to prepare arguments, the pleadings and arguments to be submitted

submitted in English and Chinese.

Altogether I do not consider the response of the Foreign Office to our representation as very satisfactory. It asserts to, or rather asserts broadly, the doctrine that all cases are to be tried in the defendants court, an officer of the complainant sitting in the court to watch proceedings. I attach great importance to this principle and to its recognition by the Chinese. It grants one of the proposals of the foreign Representatives, that asking that references to the

District

District Magistrate shall be done away with, and that the District Magistrate shall sit in the Mixed Court when his intervention becomes necessary. It deals with all our representations in a courteous way, and leaves the whole subject open for further discussion. I do not at all despair of being able to work out the main purpose which we set before us last fall, under these circumstances.

I presume that a meeting of the Diplomatic Body will be held, at an early day, to take the letter into consideration.

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I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Seward

Enclosure.

1. Prince Kung to Hon. Seward.
2/1880 March 22nd 1880.

Despatch No. 630.
Enclosure.

21/1/80.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication.

In the matter of the Mixed Court at Shanghai, I had some time since the honor to receive a despatch from the Diplomatic Body setting forth certain considerations affecting the administration of Justice by it, to which my attention was invited.

Thereupon I transmitted a copy of the Changes proposed to the Southern Superintendent of Foreign Trade asking him to take cognizance of the circumstances of the case and make report, and I so informed the Diplomatic Body at that time.

I am now in receipt of

of a response from the Southern Superintendent of Trade covering a report submitted by the Customs Intendant at Shanghai upon the four changes proposed in the Mixed Cohort Rules, and an additional article suggested by him.

This report appears to the Prince and Ministers to be fair and meets with their approval.

I have the honor to append a copy of it hereto, for which Legn. U. E. consideration, and the favor of a reply.

H. E. George F. Seward.
&c. &c. &c. &c.

Peking, March 22nd 1880.

Enclosures.

1. The Chinese Deputy should have a Commission and an Official Seal.

The Deputy appointed to the Mixed Court has a letter of authority from the Viceroy and Governor which is the same as a Commission, and he is provided with a seal for his use which is the same as a seal from the Board. In the administration of public business his powers differ in no respect from those of a regularly commissioned officer.

In the matter of arrests, and summoning witnesses, if the parties be within the foreign concessions, he has the power to secure their attendance. If the parties are without the concessions, he can only secure

secure them by representation to the official of the locality in which the parties reside, and with the concurrence of that official.

In regard to debts due by Chinese to foreign firms, the debtors in a majority of the cases are poor, and although the Court may have given judgment against them still a time must be given them in which to secured funds and make payment. In the case of a literary graduate, who is a debtor, it would be difficult to punish him for failure to make payment, until he has been stripped of his degree. The only course is to give him time and press him for payment.

The foregoing difficulties all result from the statutes of the Empire and the rights of the parties, and not from lack of authority. The revised Court Rules now in force are just

and

and satisfactory. There would seem to be no need to add to the authority of the Chinese Deputy. It is submitted that the rules be continued in force as heretofore, and that there need be no further consideration given to the subject.

2. That the pay and allowances of the Court are inadequate, and that additional sums should be granted.

In 1868, after the establishment of the Mixed Court, all of the expenditures were provided for by the Intendant of Circuit, who paid the sums needed upon a detailed statement made each month by the Deputy of the amount actually required. The allowances made to the Deputy are more in amount than the salary of a regularly commissioned officer, and fully adequate to his needs. There would appear to be

no

no occasion for increasing them.

In regard accommodations for the persons under sentence to the cangue, and the lack of a prison, the amount of food required for each person is reported. As to the court fees, western Powers have statutes which require these to be paid by the plaintiff or defendant as the case may be. China has no such rule, and have such fees cannot be received. Further, at the establishment of the Mixed Court in 1868, this subject of the expenses was discussed, and a procedure adopted. It would not be convenient to increase them at this time.

3. The ~~bad~~ lack of proper rooms in the prison, and the consequent sickness and suffering

suffering among prisoners.

The accommodations for persons under confinement are not large, and crowding cannot be avoided. The Deputy has been repeatedly directed to take more care and pains, and in case a prisoner was ill to report the facts and take steps for his cure. But in the case of persons in the carque, as their crime is below that for which the penalty of banishment is awarded, they can, in cases of illness, by giving security for their return, be released, and themselves seek medical treatment.

In the cases of persons in confinement because of disputes as to the ownership of goods, the intervention of middlemen is invited to arrange matters, and hence much going and coming of friends cannot be avoided. The Deputy being well aware of

this

this fact, does not interfere, simply with the desire to facilitate the settlement of cases by arbitration, and with the hope that they may be disposed of without delay.
In a mixed population of Chinese and foreigners as is found in the concessions there are constantly Chinese who, oppressed by hunger, pick up articles belonging to others and make use of them to satisfy their appetite. When brought into court they must of course be cautioned. But upon examination it appears that they are without means of support for homes, and the prisons being full some suffer as a result of overcrowding. A means of relief ought to be devised lest this class fall still lower and become criminals. It has been thought wise to erect a Refuge for such persons. A spot at Hsin Cha has been selected and buildings capable of holding 100

persons

persons. They will be furnished with food daily, clothing and medicine for those who may be ill. It is to be called the "Gang he Tang." The regulations for its management have been fixed, and it is to be hoped that it will be a permanent establishment. The expenses connected with it are to be met by subscription. Thus the suffering and sickness occasioned by overcrowding the prison of the Mixed Court will hereafter not occur.

4. Graver cases tried by the District Magistrate conjointly with the Deputy of the Mixed Court.

Inasmuch as the Mixed Court has no prison and no power to inflict the heavier class of punishments in offences of a sort calling for banishment or severer penalties, the laws of China require that the cases of this

this class should be tried before the District Magistrate. In grave cases in which foreign matters are concerned the District Magistrate may sit as co Judge at the Mixed Court, but after the trial at the Mixed Court the Chinese prisoner must still be taken by the District Magistrate to his Yamen, and there be dealt with. It is suggested that to the phrase "the local officer may not judge" of Section 4. of the Mixed Court Rules, the following be added:—

"In cases where the criminal
"and witnesses are all at the
"Mixed Court the District
"Magistrate shall sit there as
"co Judge to hear and decide the
"case, and shall take the Chinese
"criminal to his own Yamen
"to be dealt with."

Proposed

Proposed Additional Rule.

In suits brought by Chinese subjects against foreigners the plaintiff may bring his complaint to the Mixed Court, and the British Judge or the Consul General of the defendant shall be requested by the Deputy to summon the defendant and to depute the Assistant Judge, or the Vice Consul and an Interpreter to appear at the Mixed Court and try the case, the Chinese Deputy being present to watch the proceedings.

In cases of a serious character which cannot be decided by the deputed foreign official, the British Judge, or the Consul General of the Defendant shall be requested to preside at the trial.

In suits brought by foreigners against Chinese subjects the plaintiff may bring his complaint

complaint to his Consul General, requesting him to notify the deputy of the hired court to summon the defendant, and requesting him to depute a vice consul, draughtsman or interpreter to investigate the case with the deputy at the hired court. Thereafter the Chefoo convention rules shall be followed, the Chinese subject being tried by the Chinese deputy, the foreign official watching the proceedings. In order to avoid court and other expenses, out of consideration to the parties and in the interests of justice and fairness, neither party shall employ Western attorneys.

Book to Library
File

Ask to send catalogue to Prof Baird.
C. P.
Made

No. 657.

Legation of the United States.
Peking, April 1st, 1880.

George F. Seward to the Secretary of State.

Subject.

Forwards one copy of the Catalogue of objects prepared for the Fishery Exhibition at Berlin, 1880.

Synopsis.

One copy as above, under a separate cover.

No. 651.

Legation of the United States.

Peking, April 1st, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have the honor to hand to you herewith, under separate cover, one copy of the "Special "catalogue of the Ningpo " Collection of Exhibits for the "International Fishery " Exhibition, Berlin, 1880." as published by order of the Inspector General of the Chinese Maritime Customs.

I have the honor to be,

Sir

Sir,

Your obedient servant.

Geo. F. Woods

No. 652. One Enclosure.

DEPARTMENT OF STATE
JUN 8 1880
RECEIVED

Legation of the United States
Peking, April 3rd, 1880.

George F. Seward to
the Secretary of State.

Subject.

Incidental expense account.

Synopsis.

Covers a statement of this account for the quarter ended December 31st, 1879.

No. 652. One Enclosure.

Legation of the United States.

Peking, April 3rd, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have the honor to hand to you herewith a statement of the account for the incidental expenses of this Legation for the quarter ended December 31st 1879. 1/652.

A duplicate will be sent by the following steamer.

I have the honor to be, Sir, Your obedient servant.

Geo. F. Seward,

Enclosure.

Enclosure.

1. Statement of account for incidental expenses for the quarter ended December 31st, 1879.

ack

made

No. 653.

Legation of the United States.
Peking, April 7th, 1880.

George F. Seward to
the Secretary of State.

Subject.

Mixed Court at Shanghai.

Synopsis.

Refers to Hon. Seward's dispatch, number 650, and states that he has been requested to speak with the Foreign Office upon the subject.

No. 653.

Legation of the United States.

Peking, April 7th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

Recurring to my despatch of the 1st instant, number 650. with which I sent to you Prince Kung's note to the foreign Representatives in response to our representation of November last regarding the Mixed Court at Shanghai, I have now the honor to inform you that a meeting of the Diplomatic Body was held yesterday

yesterday, that the note in question was considered, and that I was requested to visit the Yamen on behalf of the Diplomatic Body, and to urge a more favorable consideration of the subject.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward.

File.

ark

Trade.

No. 654. One Enclosure.

Legation of the United States.
Peking, April 7th, 1880.

George F. Seward to
the Secretary of State.

RECEIVED.
DIPLOMATIC RELATIONS
1880

Subject.

Tax on cargo boats.

Synopsis.

Refers to number 643. The foreign Ministers have informed the Tsung li Yamen that they do not admit the right of the Chinese Government to levy the tax in question.

No. 654. One Enclosure.

Legation of the United States
Peking, April 7th, 1880.

Honorable William M. Evarts
Secretary of State.

Sir:—

Recurring to my despatch number 643. in regard to the proposed tax on cargo boats, I have now the honor to inform you that the subject was considered at a meeting of the Diplomatic Body held yesterday and that the several officers present agreed to write to the Yamen in terms of the note which I enclose herewith

I

I have the honor to be
Sir,
Your obedient servant.
Geo F. Seward

Enclosure.

1. Mr. Seward to Prince Kung.
Informal. April 7th, 1880.

Despatch No. 654.
Enclosure.

Unofficial.

Mr. Seward to Prince Kung

Peking, 8th April, 1880.

Y. I. N.

Sir Thomas Wade has communicated to me the note which Their Excellencies the Ministers of the Yamen did him the honor to address to him upon the subject of imposing tonnage-dues upon cargo-boats.

In the note referred to Their Excellencies appear to imply that boats attending on seagoing foreign vessels for the purpose of landing and shipping cargo within the port are liable to tonnage dues.

The writer has consulted his Colleagues and it has been agreed between them that they should at once inform the Yamen of their inability to admit the claim of the Chinese Government to levy tonnage-dues upon boats engaged simply in shipping, landing

landing, or transhipping cargo.

The writer and his Colleagues will of course be most willing to consider any rule regarding the registration of cargoboats — that the Ministers of the Yamên may communicate to them.

(Signed) George F. Seward.

Ask

Wade

No. 655. One Enclosure.

Legation of the United States.

Peking, April 7th, 1880.

George F. Seward to the Secretary of State.

Subject.

Commercial grievances.

Synopsis.

Refers to despatch number 632. The Diplomatic Body has again asked the Foreign Office to name a time for a conference upon this subject.

No. 655. One Enclosure.

Legation of the United States.

Peking, April 7th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I had the honor to state to you in my despatch, number 632, regarding commercial & grievances, that the Tsung-li Yamên had not yet named a day to meet the Diplomatic Body for the consideration of the subject, and that, in my opinion, the Foreign Representatives ought to press the Yamen for such conference.

I

I placed this view before my colleagues yesterday and it was at once assented to, and Sir Thomas Wade was requested to draft a note to the Yamen on the subject. He has done so, and I now hand

1/655. to you a copy of his letter.

I have the honor to be,

Sir,

Your obedient servant.

Wm. H. Seward

Enclosure.

1. The Diplomatic Body to Prince Kung 25/1880. April 7th/1880.

Despatch No. 655.
Enclosure.

The Diplomatic Body to the Tsung-li-Yamên.

25/1880.

Peking, 7th, April, 1880.

The Undersigned had the honor to address a note to the Ministers of the Tsung-li-Yamên upon the 2nd of February in which, referring to the proposal of a conference - contained in the Collective note of the 10th November last, regarding the taxation of foreign trade, they expressed a hope that as soon as the New-Year festivities were over it might be in the power of the Ministers of the Yamên to consider with them in conference that most important question.

The Undersigned are still without any reply to their note of the 2nd February.

The

The Undersigned renew etc,

(signed) T. F. Wade.

" M. v. Brandt.

" G. F. Seward.

" A. Koyander.

" _ Fabenotre.

Ask

C. C.

Made

No. 656. Two Enclosures.

Legation of the United States.

Peking, April 7th, 1880.

George F. Seward to the Secretary of State.

Subject.

Disturbance at Chinkiang.

Synopsis.

Covers correspondence with Asst. Consul Scruggs upon this subject. Prepared to hear of troubles at other points.

No. 656. Two Enclosures.

Legation of the United States.

Peking, April 7th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have the honor to hand to you herewith a letter, number 656. 22. which I have received from the Consul at Chinkiang reporting a disturbance at his port, which might have eventuated very seriously.

I send to you, also, a copy 2/656. of my response to the Consul.

I am prepared to hear that disturbances are threatened at

many

many points, and prepared also to find alarm existing among foreigners which had no sufficient foundations.

I have the honor to be,
Sir,
Your obedient servant.
Wm H. Seward

Enclosures.

1. Hon. Scruggs to Hon. Seward
No. 22. March 24th, 1880.
2. Hon. Seward to Hon. Scruggs.
No. 66. April 7th, 1880.

Despatch No. 656.
Enclosure 1.

Mr. Scruggs to Mr. Seward.
No. 22. March 24th 1880.

Sir:—

Two days ago, the private residence of a British merchant, located in the midst of the foreign settlement here, was rudely entered by a mob who threatened to pull down his warehouse and take his life unless he should yield to their arbitrary and unreasonable demands.

Their demands were that the merchant should pay them a sum of money which, it seems, his compradore had contracted on his own personal account, or else deliver to them certain articles and the person of his servant, as a guarantee.

The merchant, with the aid of his Consul, and an armed force improvised from one of the Customs hulks and the foreign

(municipality

Municipality, finally persuaded the mob to quietly disperse; the claimants reluctantly agreeing to rest their case in civil action before the Consular Court,

But there is, I regret to observe, an ugly feeling here against foreigners, fostered by one of the native Guilds, and which seems to have awed the native magistrates into almost hopeless inefficiency.

I have the honor, etc,

(signed) William L. Scruggs.

Despatch No. 656.
Enclosure 2.

Mr. Seward to Mr. Scruggs.
No. 66. April 7th, 1880.

Sir:—

I have the honor to acknowledge the receipt of your despatch stating that a mob of Chinese had rudely entered the house of a British merchant at your port, and threatened him with extreme measures unless he should yield to certain demands. You add that you "regret to observe "an ugly feeling against foreigners "(at your port) fostered by one of "the native guilds and which "seems to have awed the native "magistrates into almost hopeless "inefficiency."

I am not able at this distance to judge of the extent of the danger to foreigners indicated by your letter, I shall feel obliged therefore if you will keep me informed in order that the

(subject

subject may be brought to the notice of the Admiral if it shall appear necessary.

I am, Sir,

(signed) George F. Seward,

No. 657.

DEPARTMENT OF STATE
JUN 8 1880
RECEIVED

Legation of the United States
Peking, April 10th, 1880.

George F. Seward to
the Secretary of State.

Subject.

Receipt of Department instructions.

Synopsis.

Instructions numbers 340. 341. and 342. and two separate instructions, dated February 4th and 11th, have been received.

No. 657

Legation of the United States.

Peking, April 10th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have had the honor to receive your instructions numbers 340. 341. and 342.; your letter of February 4th transmitting to me seven private letters which had been forwarded to the Department from the Post Office at San Francisco; and your special and separate instruction of February

February 11th ult asking for certain information on behalf of the Treasury Department.

I have the honor to be,

Sir,

Your obedient servant,

George F. Seward.

ack

made

No. 658. Two Enclosures.

Legation of the United States.
Peking, April 14th, 1880.

George F. Seward to the Secretary of State.

Subject.

Mr. Flemy's exequatur as Consul General.

Synopsis.

Upon advices received from Mr. Bailey and Mr. Flemy, Mr. Seward has secured the exequatur of Mr. Flemy as Consul General at Shanghai.

No. 658. Two Enclosures.

Legation of the United States.

Peking, April 14th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Having learned from Mr. Bailey that Mr. Henny had been appointed Consul General, and from Mr. Henny that he was about to proceed to Shanghai and that Mr. Pethick would take charge of the Consulate at Tientsin, I addressed a note to the Foreign Office, on the 30th ultimo, informing the Prince of these changes, and I have now

658

now the honor to place my note
2/658. and the response which I have
received before you.

I have the honor to be,
Sir,
Your obedient servant,
Geo. F. Seward

Enclosures.

1. Hon. Seward to Prince Kung
22/1880. March 30th/4, 1880.
2. Prince Kung in response.
23/1880. April 2nd/4, 1880.

Despatch No. 658.
Enclosure 1.

22/1880.

Mr. Seward to Prince Kung.
March 30th 1880.

Y. I. H.

I beg leave to inform you that Mr. Fleming, Consul at Tientsin, has been appointed Consul General at Shanghai, and that Mr. Pethick, Vice Consul, takes charge at Tientsin, and to ask you to inform the Northern and Southern Superintendents of Trade accordingly.

I have &c
(Signed) George F. Seward

Despatch No. 658.
Enclosure 2.

23/1880.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication in reply.

I have had the honor to receive Y. E's despatch of the 30th ultimo informing me that Mr. Henny, Consul at Tientsin, has been appointed Consul General at Shanghai, and that Mr. Pethick, Vice Consul, takes charge at Tientsin, and, as Y. E. requests, I have given the necessary instruction to the officers concerned.

H. E. George F. Seward.
&c. &c. &c. &c.

Peking, April 2nd, 1880.

Ack

made

No. 659. One Enclosure.

DEPARTMENT OF STATE
JUN 8 1880
RECEIVED

Legation of the United States.
Peking, April 14th, 1880.

George F. Seward to the Secretary of State.

Subject.

Case of Rev. Ahlinger's teacher at Foochow.

Synopsis.

Covers a despatch from Rev. Mr Sites. His action has given color to the charge that he was granting asylum to the teacher. Such interference injurious to a Consul's influence, and productive of more harm than good to the Chinese concerned.

No. 659. One Enclosure.

Legation of the United States.

Peking, April 14th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to hand No. 659.
to you herewith a despatch which
I have received from Mr. de Lano
in regard to the case of Mr. &
Ohlinger's teacher.

It was Mr. de Lano's
duty to have expressed readiness
to countersign a warrant for the
teacher's arrest, whenever it
should be presented to him.
By failing to do so he placed
himself

himself, colorably at least, in the position of giving asylum to the man, and justified the complaint of the authorities. Such interferences weaken a Consul's influence, and do more harm than good to the convert.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward.

Enclosure.

1. Mr. Hle Laus to Mr. Seward
No. 159. March 24th, 1880.

Despatch No. 659.
Inclosure.

Mr. Delano to Mr. Seward.
No. 159. March 24th, 1880

Sir:—

I have the honor to acknowledge the receipt of your despatch No. 107. by which it appears that I am charged with having refused to allow the local Authorities to effect the arrest of a native teacher at present in the employ of the Reverend Mr. Ohlinger.

If the Authorities here have made such a representation to the Foreign Office it is but another instance of their proneness to wander from the truth when making official statements and representations. I have on two or three occasions (as I have already advised you) sent the man to them for examination, simply requesting them to allow him to return to his duties if not found guilty of crime, which they did.

But

But later on, when they called again for him, intimating that it would be necessary to subject him to "punishment" (which meant torture) asking me to arrest and send him to them, I declined to do so until I had referred the matter to you.

I have all along intimated to them that the man was daily in the streets and subject to arrest by their police, and they knew that he has recently been to his home in a neighboring district, where the offense with which he is charged is said to have been committed, and tarried a number of days, but they seem inclined not to be satisfied unless I send him to them, although in the course of conversation which I had a few days ago with the Intendant, when the matter was casually mentioned, he said the parties ought to settle the case

(outside

outside and he would instruct one of his subordinates to advise the complainant to that effect.

If a warrant for his arrest should be presented to me for my endorsement, I shall, in conformity with your instructions, endorse or stamp it; but I am not to feel bound, I presume, to invite them to present it.

I have the honor, etc.

(signed) M. M. DeLane.

Mr Adee

Telegram

Legation of the U.S.-China.

San Francisco Cal April 15. 1880.

Hon. Wm M. Evarts.

Washington.

I leave immediately. will be in Washington by twenty Sixth.

John F. Swift.

Ack

made

No. 660.

Legation of the United States.
Peking, April 15th, 1880.

George F. Seward to
the Secretary of State,

Subject.

New German treaty signed.

Synopsis.

The above treaty concluded. Does not touch the Transit Pass or Lekin questions. Will forward a copy of it, with comments, shortly.

No. 660.

Legation of the United States.

Peking April 15th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have the honor to advise you that Mr. von Brandt, Minister for the German Empire, has signed a Convention with the Chinese Government, supplementary to their original treaty, and having relation to commercial privileges of his countrymen in this Empire. It is the result of negotiations extending over the last four years

years. He informs me that it does not affect the situation of the Transit Pass and Lekin questions, which have been left in accordance with a previous understanding to be dealt with by the foreign Powers generally.

Mr. von Brandt has promised to give me a copy of his convention, and I refrain from comment upon it until I am able to send you the text of the stipulations.

I have the honor to be,

Sir

Your obedient servant.

Geo. F. Seward.

Ask

Wade

No. 661. Two Enclosures.

Legation of the United States.

Peking, April 19th, 1880.

DEPARTMENT OF STATE
JUN
8
1880
RECEIVED

George F. Seward to the Secretary of State.

PRINTED
FOREIGN RELATIONS
1880

Subject.

The Mixed Court at Shanghai.

Synopsis.

Mr. Seward, referring to his despatches numbers 650. and 653. forwards a memorandum of his conversation with the Foreign Office upon the subject, and a note to his colleagues. The matter to be again referred to the Provincial Authorities.

No. 661. Two Enclosures.

Legation of the United States.

Peking, April 19th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Referring to my despatch, number 650. of the 1st instant, transmitting to you the response of the Tsung li Yamen to the joint note of the foreign Representatives of November last, in regard to the Mixed Court at Shanghai, and to my number 653, stating that I had been requested by my colleagues to place the subject before the Yamen personally with a view to secure the further and

more

more favorable consideration of the
matter, I have now the honor to
inform you that I visited the Tsungli
on the 14th instant, and to hand to
1/661. you a Memorandum of my remarks
2/661 to the Ministers, and a Minute prepared
by me for my Colleagues, stating the
views put forward by the Chinese
and the general results of the interview.

You will see from these
papers that, in speaking with the
Ministers, I traversed the whole
matter with much care, and that
they promised to write again to the
Provincial Authorities forwarding
my Memorandum and asking for
a further report. It is by no means
impossible that this report will be
more favorable than the one which

has

has been sent to us.

My colleagues have approved my course at the Yamen, but they have not yet agreed upon 4 instructions to be sent to the Consuls at Shanghai. I am not sure that they will not think it better to leave the matter to be passed upon in view of my Memorandum, as there are some divergencies of views and interests among the Consuls at Shanghai, and it may be desirable to avoid arousing their susceptibilities unnecessarily. I allude more particularly to the fact that the French have a kind of special Mixed Court at Shanghai, and that different opinions prevail there as to whether foreign lawyers should

should be admitted into the Mixed Court, and whether the rule that the Court of the Defendant shall try given cases, is the right one.

I shall refrain from writing to Mr. Blenny on the subject until the matter has been considered further.

I have the honor to be,

Sir,

Your obedient servant.

W.G.F. Cavendish.

Enclosures.

1. Memorandum of Mr. Seward's remarks to the Ministers of the Foreign Office. April 14th, 1880.
2. Mr. Seward to Sir Thomas Wade. April 15th, 1880.

Despatch No. 661.
Enclosure 1.

Memorandum of Mr. Seward's statements to the Ministers of the Tsung li Yamen regarding the Mixed Court at Shanghai, on Wednesday April 14th, 1880.

The Ministers present were Shen, Tung, Wang, and Chung-lin.

Mr. Seward said that he appeared on behalf of the Diplomatic Body to speak about the Mixed Court at Shanghai, and thanked the Ministers for having accorded him an early interview.

He then proceeded to say that the subject is one in which

the Diplomatic Body take much interest. Shanghai is the centre of foreign commercial interests in China, and as many mixed cases arise there, perhaps, as at all the open ports taken together. It is of much concern that the procedure in mixed cases at Shanghai, under these circumstances shall be such as to give confidence to suitors.

The establishment of the Mixed Court by the local authorities, acting in consultation with the Consuls in 1864. was a step of importance, The Imperial approval of the action thus taken (in

in 1868. and the provision of
Code of Rules for the b. t
was in particular the occasion
of much satisfaction to foreign
merchants and officials.

Since its establishment
the Court has served a excellent
purpose. Very many cases, civil
and criminal, some of which
have been of great importance
have been heard and "
determined in it, and while
the action of the Court has
not always commanded approval,
its decisions have been, in the
main such as to give no "
reasonable ground for complaint.

(While

While this is the fact there have been repeated complaints that the Court has not always acted with independence and vigor, and in particular that it has frequently failed to enforce its judgments.

This part of the matter, as the Ministers will remember, was the subject of consideration between the English Minister and Li Chung Tang, at Chefoo, in 1876, and it was mentioned in the agreement concluded between them, as follows:—

"The Chinese Government "has established at Shanghai "a Mixed Court; but the officer presiding

"presiding over it, either from lack
"of power or dread of unpopularity
"constantly fails to enforce his
"judgments."

"It is now understood
"that the Tsung-li-Yamen will
"write a circular letter to the
"Legations, inviting the foreign
"Representatives at once to consider
"with the Tsung-li-Yamen the
"measures needed for the more
"effective administration of justice
"at the ports open to trade."

The matter has seemed to
the foreign Representatives for
a long time one which demands
attention but owing to the pressure
of other matters and to other
reasons

reasons, no communication on the subject was made to the Yamen until the month of November last.

The statement then submitted to the Yamen was very carefully considered by the whole number of Representatives in China, eleven in all. It was put forward with perfect consideration for the sovereign rights of the Chinese Government in the most courteous manner and with the one object and end to remove so far as possible all grounds of complaint and distrust.

The judicial question is "

undoubtedly

undoubtedly one of some "
embarrassment. The Ministers
are well aware that in "
Western countries all persons who
reside upon the soil are subject
in all matters, civil and criminal,
to the jurisdiction of the national
sovereignty. But in China the
laws and the procedure of the
courts and the punishments
inflicted by them are radically
different from those of Western
countries. As a consequence, Western
States and China have agreed
together that foreigners shall
be subject to the jurisdiction
of their own authorities, and
dealt with in accordance with
their own laws.

In cases where the subjects of foreign powers are the only ones concerned, no occasions for disputes have arisen. China has not found it necessary to take any notice of the procedure in such cases, just as foreign powers do not find it necessary or desirable to interfere when the parties concerned are " Chinese only.

But there are many " difficulties arising when the parties complaining are foreigners and the defendants are Chinese, or " vice versa. How are such cases to be heard! To whom is the complaint to be presented! Who is to preside at the trial!

What

What rules of procedure shall be followed? What law shall be enforced, that of the complainant, or that of the defendant? If it is not the law of the plaintiff or of the defendant which is to be applied, and decisions are to follow broad lines of justice and equity, whose ideas of justice and equity shall they be? for there may be as great differences in these as in the laws.

So far as the Mixed Court at Shanghai is concerned these questions have been resolved by the rules which were decided upon in 1868. Under these, all cases brought forward

(at

at Shanghai by foreigners against natives are to be heard and determined, in the first instance by the Magistrate of the Court, according to the laws of China, a foreign officer sits with him, however, to assist him and to watch the proceedings on behalf of the complainant.

The foreign Representatives do not raise any questions as to the merit of this procedure. If necessary they will discuss that part of the subject hereafter. They decline at the moment to do no more than they did in their letter of

November

November , to point out that the Mixed Court is defective in some respects, and to call your attention to those defects in detail.

The first point to which they alluded in that letter was - the status of the Magistrate as a Chinese official. They desired to say in this connection that, in their opinion, he should hold an Imperial seal and be recognized as a member of the regular administration of your Government. To this you have rejoined that he bears a letter of authority from the Viceroy and Governor and that

hi

his powers are the same as if he were appointed from the capital.

The foreign Representatives do not dispute the proposition that is power may be the same under provincial commission as they would be under an Imperial commiss , But, in their opinion, the ndependence and vigor of the Magistrate are seriously affected by the fact that he is a depu officer only.

This opinio has be expressed by all of the gentlemen who have acted as ssi tants in the Court, and it

it appears reasonable on its face.

This Magistrate as a deputed officer may be removed by the provincial Authorities; if he bore an Imperial commission he could be displaced only with the concurrence of the Government here. The provincial Authorities know this, the Magistrate knows it, the people know it and foreigners know it. The fact cannot fail to affect the Magistrate in a variety of ways, adversely to his independence and influence.

It may be pointed out that the scope of the authority

of

of the Magistrate is very broad. He is the sole judge of first instance in all cases, grave criminal cases only excepted, in which natives who live in the foreign settlements at Shanghai are concerned. This embraces a population of about 160,000 souls. He is the sole judge of first instance, with the same exception, in all cases in which foreigners " residing at the port are " complainants and Chinese " whether in or out of the port are defendants. He is the officer who sits in the foreign courts to watch cases in which " natives are complainants

(and

and foreigners are defendants.

The foreign Representatives do not think that they are going far under such circumstances when they ask that the Magistrate of the Mixed Court be recognized as a regular officer of the Government. They think this is due to a man who discharges functions of such gravity, and also to the great foreign interests which are affected. The foreign Representatives would remind you in this connection that the Consuls General and Consuls at Shanghai feel obliged often to sit with the Magistrate upon

upon the trial of more important cases and that his position as a deputy renders it irksome for them to meet him in this way. Consuls rank with Intendants of Circuit and it might reasonably be asked that an officer of the grade of Intendant should preside over the Court.

The foreign Representatives while urging these views upon you in this way have no desire to interfere with the course of your administration. The Magistrate is now charged with judicial duties only. They do not ask or wish that he be given general administrative

duties

duties. They understand that
an officer may have judicial
authority only for a certain
district. The given Magistrate
has already judicial authority
for the district in question.
It is the more perfect "
ci rmation of this authority
for which they ask. It is "
conceived that the administrative
measures needed to carry out
this proposal cannot be "
difficult. Having gone so
far, the Government can "
certainly go a step further
and make the Court in fact
what it is in name, an "
Imperial establishment.

It

It is to be said in this connection that the authority of the Court over natives is primarily and mainly over those resident in the foreign settlements. The peace of those settlements is a matter of concern to foreigners and in this way they came to have an interest in the administration of justice in a class of cases which seem at first to concern your people only.

What precedes has relation to the status of the Magistrate. The next matter to speak of is the authority of the District

District Magistrate.

Under the rules of the Court, graver criminal cases are to be heard by the District Magistrate. The foreign Representatives have thought that it would be better to have all criminal cases to be heard and determined by the Mixed Court Magistrate but they are prepared to agree to the assent accorded to their alternative proposal that the District Magistrate shall sit at the Mixed Court when foreigners are concerned and his intervention is necessary and that in such case the

(procedure

procedure sh. be conformed
to the Mixed Court rules.
It will be necessary for the
Yamen to frame a rule
accordingly and to communicate
it to the Legations.

The pay and allowances
of the Magistrate.

The complaint made was
not so much that the
Magistrate is not adequately
paid as that the allowances
for the support of the Court
generally and for the prison in
particular are inadequate
and that the prison is too
small and otherwise defective.

The foreign Representatives

do not wish to dwell upon the
question of the amount paid to
the Magistrate and his "
subordinates. That is properly
a matter of your concern, and
of which you are the best "
judges. In their opinion, officers
who are well paid are more
to be relied upon than those
who are underpaid and distrust
of those who are underpaid is
only a natural thing. They
believe also that you know
that the given Magistrate
is a very hard worked man
and that his duties are "
particularly responsible. The
hearing of the ordinary police
cases which come before him
would

would tax his strength, but beyond these he has to hear and decide many very difficult international cases. Individual cases of this kind sometimes occupy the Court for a half dozen sittings. A foreigner engaged in such duties would expect to be paid very liberally indeed and it appears only just to compensate the Magistrate in proportion to the responsibility of the duties which devolve upon him.

In this connection the foreign Representatives point out to you in particular the defects of the poison, and in its management

management.

They are aware that "
different ideas of the conduct
of penal institutions prevail
in Western countries from those
entertained in China. In "
our idea a prison should be
a perfectly secure place. In
certain cases the absolute
segregation of prisoners is
thought to be necessary. "
Beyond this, in our view,
a prison should be as well
ventilated and as perfect in
a sanitary point of view as
any establishment of the "
sort can be. We find however
that the prison of the Supreme
Court

court is such that the inmates cannot be perfectly segregated and that they are very liable to fall ill. The response of the Viceroy shows that it is small and overcrowded. An effort has been made to relieve the pressure upon it but we doubt whether the result will be sufficient. The foreign Representatives think that this part of the subject should not be lost sight of. It may be mentioned in this connection that the Court room of the Yamen is small and that all matters police and other are heard in it. It is very warm in summer and

very cold in winter. As foreign merchants and officials have to attend at the Court and as they suffer much more " from extremes of heat and cold than your people, it becomes desirable to consider whether a larger room cannot be " provided with thick walls and suitable arrangements for ventilation and heating.

The Viceroy has proposed two additional rules

1st That all Mixed cases " shall be heard at the Mixed Court, the foreign Magistrate going there when the defendant is a foreigner.

2nd "

2nd That no lawyers shall be admitted in mixed cases.

The foreign Representatives are not prepared to assent to the first proposal. Foreign officers go to the mixed Court when Chinese are defendants and there appears to be no reason why native officers should not go to the foreign Courts, when foreigners are defendants. It is dignified and right that the Magistrate who presides shall sit in his own Yamen. It is more convenient too, for the records of the case must be kept there, the secrets and bailiffs are all there, and

prisoners

prisoners are confined there. This has been the rule in the past, and no good reason is alleged for making a change.

It is very true that it must often be inconvenient for the Mixed Court Magistrate to attend at the foreign Court. His duties are such as to occupy his time very fully. In this connection it may be said that the Magistrate is engaged for a quarter or less time every day at his Yamen in the hearing of police cases and that many inconveniences are met with when civil or criminal cases of importance are on trial in his Court, or in the foreign Court

can

and his presence is needed.
These should be at least two
persons connected with the Yamen
having judicial authority. In
such case the less important
and the more important
cases could be moving forward
simultaneously.

Regarding the admission
of attorneys it should be said
that foreigners of most countries
have found their assistance
their own courts indispensable
and that it would be a
hardship for them to forego
the benefit of their assistance
when matters are to be presented
to native courts. Your own
people

people would find it a hardship to be denied their services in our Courts, and the result would be unfavorable to them, for no one is competent to present cases in our Courts who is not acquainted with our laws and procedure. But it is not to be denied that lawyers in all Courts must be subject to regulation and control. It may be well to ask the Taotai at Shanghai and the Magistrate of the Mixed Court to frame rules regulating the admission and conduct of lawyers, acting for this purpose in concert with the Consuls, and to submit such rules for approval.

Despatch No. 661.
Enclosure 2.

Peking, April 15th, 1880.

H. E.
Sir Thomas Wade, K. C. B.
&c. &c. &c. &c.

Dear Sir and Colleague,—I have already informed you, as Dean of the Diplomatic Body, that I visited the Tsung li Yamen yesterday and spoke with the Ministers present, as requested by you and my colleagues generally in regard to the Mixed Court at Shanghai, and I have now to hand to you a minute of my remarks. I was asked by the Ministers to submit such a minute to them in order that they may send it to the Viceroy at Nanking with instructions to [illegible] further upon the business. If you, and my colleagues generally, approve

approve the minute, I shall have it translated and transmitted to the Yamen at once.

I have already informed you that while the Ministers listened to me with attention and in an appreciative way, our proposal that an Imperial Commission can seal be conferred upon the Magistrate of the Mixed Court was stoutly contested by them. The burden of their argument was that it would be difficult to give him a seal, and that it would be useless. When I pressed them to state the difficulties, they appeared to me to be unable to define with any exactness the conditions which render the action desired by us embarrassing to them. They answered in a very general way that the district within which the Magistrate would act is very small, and that it would occasion jealousy on the

part

part of the regular officers of the locality. Their most significant statement, perhaps, was that an officer of the regular administration might feel bound to manage the Court in more perfect accordance with Chinese ideas than the present deputy does.

As the proposal to give the magistrate Imperial authority was the most important one of those which we put forward, and as I learned nothing from the Ministers which seemed to me to invalidate the merit of our position, I urged our proposal as strongly as I could with courtesy, and took all possible pains to indicate that we are not disposed to accept a refusal as a satisfactory conclusion of the business. At the last the Ministers said that we must be aware of the evils which result frequently from attempting to change an established institution, and I

was

led to it what the opposition exhibited had its origin in this conservative feeling rather than in any practical administrative difficulties. I shall not be surprised if Sir Henry yields the point gracefully.

You will see from the minutes the line of argument which I followed in dealing with the question of the seal and otherwise. You will see, in particular, that I presented to them some details in regard to the court which we were not advanced in our letter of November last.

I may say in this connection that I found it desirable to do this in order to impress upon the Ministers more perfectly the merit of the proposals which we did advance in our letter of November and because the matters so advanced

advanced as seem worthy of
attention. It appeared to me, moreover, that a further reference
to banking would be unavoidable,
and that it would be a mistake
to lose the opportunity to impress
upon the Ministers the fact that
their Court falls far short of
being perfect in its constitution
and details, and the chance of
securing all possible ameliorations.
The Ministers were especially
appreciative of the statements
which I made in this
connection, and said that if
the Magistrate is really overworked
or his duties are such that he
cannot deal promptly with all
matters demanding his attention,
and if the Yamen is defective,
measures may be taken to give
him assistance and to provide
suitable accommodations.

I am sure that reforms
in these directions would be

received

much appreciated at Shanghai, where the difficulties of bringing cases to trial owing to the pressure of work upon the Magistrate, and the almost intolerable discomfort of the court room in the winter more especially, have been evils to which attention would have been called in urgent manner, if it had not appeared hopeless to attempt to improve matters.

It was not possible to avoid speaking of the proposals sent up by the Viceroy. The Ministers fully assented to my statement of the reasons why our officers cannot go to the Mixed Court to hear cases in which our nationals are concerned as defendants, and they did not seem to have any settled opinion in regard to the admission of lawyers in mixed cases. My statement that it would be a hardship to their countrymen to refuse to

allow

allow them to employ lawyers when they appear as complainants in our courts seemed to be appreciated by them, and to give force to my intimation that to some at least of the foreign Representatives, their refusal to allow our countrymen to use lawyers would seem almost a denial of justice. I thought I could not do better in this connection than to say that the subject is one which may be so regulated as to do away with undoubted evils and to preserve the benefits to be derived from the assistance of a class whose efforts have done much to make the course of law in Western countries better than it is in China, and that the best plan is to ask the authorities at Shanghai to consult with the Consuls on the subject. This will leave each Representative here free to give his officer at Shanghai such instructions

instructions as may seem
appropriate. I hope however that we
may be able to agree upon an
instruction to be sent to them
which will avert the consequences
of what appears to me a movement
of a retrograde sort.

While thanking you and
my colleagues for allowing me
the opportunity to urge upon the
Yamen the importance of the
matters in hand, I beg leave to
express the hope that my course
will meet with general approval.

I am handing to each
of my colleagues a copy of this
note and of the minute
prepared for the Yamen, and
I beg leave to ask you to consider
whether a meeting of our Body
should be held in order to
consider the minute, and
whether any instructions, and
if so, what instructions, should
be sent to our officers at

Shanghai.

Shanghai.

I am,

My dear Colleague

Yours very truly.

Geo. F. Seward.

Ackd June 12 '80
Mr Caldwell

Bureau of Auth
This seems a reasonable charge &
I think may be allowed. C. P.

Mr Adee

No. 662. One Enclosure.

Legation of the United States.
Peking, April 20th, 1880.

George F. Seward
to
the Secretary of State.

Subject.

Account for sums paid for copying from July 1st, 1878. to July 1st, 1879.

Synopsis.

Mr. Seward forwards a statement of this account, states that this expenditure by Mr. Holcombe was necessary and unavoidable, and asks that Mr. Holcombe authorized to draw upon the Department for the amount.

No. 662. One Enclosure.

Legation of the United States.

Peking, April 20th, 1880.

Honorable William M. Evarts.

Secretary of State.

Sir:-

During my recent absence from this Legation, extending over a period of about twelve months, Mr. Holcombe, Secretary of Legation and Interpreter, was left entirely alone in the Legation, and was obliged to transact the business of the Legation by himself, and with such temporary assistance as he could procure. For the latter he paid out sums, as stated

462. stated in the account herewith, aggregating Five Hundred and forty dollars, fifty cents, Mexican currency.

I have heretofore advised you, in my despatch number 539. of the 24th of December, 1879, that the current work of the office occupies fully my time and his, and that a copyist is found necessary in order to secure the prompt transaction of business, and to keep the archives in perfect condition. You will see from this that Mr. Holcombe's outlays for assistance, while I was absent, could not well be avoided.

You are aware that Congress

do

so legislated two years ago that a Secretary of Legation in charge can receive no greater compensation than his salary as Secretary. Mr. Holcombe was subjected unnecessarily to increased expenses of various kinds during my absence, and it appears right that the Department should give him such relief as may be possible.

I hope, therefore, that you will be able to authorize Mr. Holcombe to draw upon you for the amount of the account now presented to you.

I have the honor to be,

Sir,

Your obedient servant.

George F. Seward.

Enclosure.

Enclosure.

1. Memorandum of sums paid for copying from July 1st 1878. to July 1st 1879.

No. 663. One Enclosure.

DEPARTMENT OF STATE
JUN 8 1880
RECEIVED

Legation of the United States.

Peking, April 21st, 1880.

George F. Seward to the Secretary of State.

Subject.

Incidental Expense account.

Synopsis.

Covers a duplicate statement of this account for the quarter ended December 31st, 1879.

No. 663. One Enclosure.

Legation of the United States.

Peking, April 21st, 1880.

Honorable William M. Evarts,

Secretary of State,

Sir:-

Referring to my despatch, number 652., I have now the honor to hand to you, herewith, a duplicate statement of the incidental expense account of this Legation for the quarter ended December 31st, 1879. 663.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Enclosure.

F

Enclosure.

1. Duplicate statement of the account for incidental expenses for the quarter ended December 31st, 1879.

One Enclosure.

DEPARTMENT OF STATE
JUN 8 1880
RECEIVED

Legation of the United States.

Peking, April 22nd, 1880.

Chester Holcombe to

the Secretary of State

Subject.

Duplicate of salary account.

Synopsis.

Mr. Holcombe forwards a duplicate statement of his account for the quarter ended March 31st, 1880.

F. M.

One Enclosure.

Legation of the United States.

Peking, April 22nd, 1880.

Honorable William M. Evarts,

Secretary of State.

Sir:-

Refering to my despatch of the 1st instant, I have the honor to hand to you herewith, a duplicate of the account for salary which it covered.

I have the honor to be,

Sir,

Your obedient servant.

Chester Holcombe

Enclosure.

Enclosure.

1. Duplicate statement of account for salary for the quarter ended March 31st, 1880.

Ackd & approved C. P. made

Ackd to Mr Angell
approved Mr Seward's
approves and concurs
June 12. 80.
Mr Caldwell

No. 664. Three Enclosures.

Legation of the United States.

Peking, April 22nd, 1880.

George F. Seward to

the Secretary of State.

Subject.

Foreigners not to purchase land at Wu chih shan, Foochow.

Synopsis.

Mr. Seward forwards letters & received from Prince Kung and Mr. Hle Lang, and his response to the latter. The rules mentioned had origin in a dispute between English missionaries and Chinese. Will await

conference

conference with other Ministers
before answering Prince Kung.

No. 664. Three Enclosures.

Legation of the United States.

Peking, April 22nd, 1880.

Honorable William M. Evarts,

Secretary of State.

Sir:-

I have the honor to hand to you, herewith, a note which I have received from the Chinese Foreign Office asking that certain proposed rules, prohibitive in their intent and character, in regard to the purchase of property by foreigners in certain parts of the city of Foochow, shall be sent by me to the Consul at Foochow for his observance, and that of our people

No. 664.

people at his post. I have also to
2/1864. hand to you herewith, a note from
Mr. le Leon on the same subject.

It does not seem to me
likely that any of our people will
care to acquire property in the given
locality. It is far away from the
business part of the city and from
the foreign settlement, and
property there would be useful
only to the missionary associations.
I think however that the proposed
rules may not have been honestly
conceived, that there is no intention,
probably, of enforcing them against
natives, and that they have had
their origin in a dispute which
occurred recently between one of
the English missionary bodies and
people

people concerned in the given locality.

My disposition therefore is to write to the Prince saying simply that it is the right of our people under the treaties to purchase land at the ports, and that I cannot assent to rules which will deprive them of this privilege, but that they have always shown an accommodating disposition, and that they are not likely, so long as they are treated with consideration, to disregard any beliefs or sentiments cherished by the Chinese.

Our treaty provides, in fact, that our people shall not unreasonably insist upon making their purchases in particular places.

As

As the Prince has addressed himself to all the Legations in the matter, I shall defer writing until the subject has been considered in conference.

3/664 I am responding to Sir. Hle Lans approving his response to the authorities, but calling his attention to the fact that it was not necessary for him to say in his despatch that native associations buy land in the given locality "upon which to erect shrines and "temples for idolatrous worship." The expression "idolatrous" cannot but be offensive to the Chinese authorities, who are not by any means idolaters in an ordinary sense of the term.

The

The fact thus mentioned by Mr. Le Lans is an indication that the hills in question do possess an exceptional character in the minds of the people.

I have the honor to be,

Sir,

Your obedient servant.

Wm H. Seward

Enclosures.

1. Prince Kung to Mr. Seward
24/1880. April 5th, 1880.
2. Mr. Le Lans to Mr. Seward
No. 158. March 24th, 1880.
3. Mr. Seward to Mr. Le Lans.
No. 118. April 15th, 1880.

Despatch No. 664.
Enclosure 1.

24/1880.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication.

I am in receipt of a despatch from the Fukien Provincial Authorities, covering a report from the Board of Trade, which forwards a joint statement from Chang Hsing-ê District Magistrate of Hsien and Cheng Chiê-ê District Magistrate of Hsu Kuan, embodying a petition from Chên Ting-san and others of the literati and elders to the following effect:—

The hills Wu-shih, Chi-hsien, Ping, and San-shan-lieh-chang, are the center of the dragon pulse* for the city of Foochow. The foot and slopes of these hills are covered with native residences. The

* Form the center of the fung-shui style influences. C.H.

style and architecture of these buildings does not now appear to work injury to the feng shui, but it is to be feared that changes in the style of the buildings or in their ownership, the cutting of the grass, the opening of the soil, or other changes in the surface may work harm to the feng shui.

If no rules are distinctly laid down how can troubles of this sort be prevented. We beseech that strict orders be issued to the Office for the Registry of Deeds that in all cases of the sale of these properties to any person a surety must be found in some one of the literati of the vicinity and a deputy sent to make examination before the transaction can be permitted and the tax on the change of ownership be received. If deception be practiced the deputy will be severely dealt with. Parties

not

not giving surety, and effecting clandestine transfers without the seal of the Registrar should, upon discovery, be both buyer and seller be punished in the same manner. Persons leasing their properties to other parties should not be allowed to write leases in perpetuo, and this should be plainly written in all documents. Leases for short terms should not permit the lessee to demolish, alter or reconstruct the buildings. If infractions of these rules arise, and the neighbors and local police conceal or fail to report them, they shall be dealt with as also guilty of the violation of the rules. A prohibition as indicated above has already been issued.

Upon this the Board of Trade remarks that the grounds of one which shall the others named

was

was originally public property,
and could not be privately sold,
and no one could venture to alter
it, as all in the Empire know.
But since the establishment of
treaty relations foreigners from
all countries have come to Foochow.
How could they know the actual
facts of these places. It could not
be but that avaricious Chinese
should in secret deceive them
and persuade them to lease. The
foreigners would inevitably fall
into the trap and having expended
a large sum and yet being
unable to obtain control of his
property thereafter would follow
much ill feeling. How much
better it is to take precautions
in advance. Dispatches have been
sent by the Board of Trade to each
Consul that each might
instruct his people that if
hereafter any one desired to sell
or lease either vacant ground,
gardens

gardens or buildings in this spot, they need not be imposed upon. Responses have been received from the British Consul Mr. Lindsay, and the Danish Vice Consul, Mr. , that they have issued instructions in the premises.

Upon this the Futien Provincial Authorities request me to address the several Representatives at this Capital, that they may issue instructions that the foregoing rules be obeyed.

In this matter I have the honor to remark that Low Shih shan and its neighborhood has an intimate connection with the Tungsin of Foochow, and the interests involved are very serious. The request for the prohibition of private transfers of the property there and of changes in the buildings is made in the interest of peace between

the

the Chinese and foreigners. As it is to be feared that foreign residents may not fully understand these matters it has become my duty to address Y. E. that you may direct your Consul at that city ordered to issue an instruction that these regulations be observed.

H. E. George F. Seward.
etc. etc. etc. etc.

Tientsin, April 5th/4, 1880.

Despatch No. 664.
Enclosure 2.

Mr. DeLano to Mr. Seward.
No. 158. March 22nd, 1880.

Sir:—

I have the honor to hand to you, herewith, a copy in Chinese, with translation into English, of a despatch addressed to me on the 3rd instant by the Intendant at this port (who is also Acting Grain Commissioner and Acting Provincial Judge) in regard to certain hill property within the city walls known as "Wu-shih shan". A like communication has been sent to the other resident Consuls, the object being to give public notice that the Chinese Authorities have undertaken, at the request of the Gentry and Literati, to prohibit the sale or leasing, to foreigners, of building sites in that part of the city.

You will observe that in my reply, a copy of which I enclose, I question the authority of the

officials

officials to undertake such prohibito
on the ground that the locality
in question is not public propert
and has never been set apart
for Municipal or Governmental
purposes, but on the contrary,
has been subject to sale and
lease by ~~a~~ Chinese, and a portion
of it has been occupied by Her
Majesty's Consul and by English
Missionaries for more than 20 years

It is true that the English
missionaries have been ousted from
a portion of their possessions there by
a technicality of the law (applied
by a tribunal apparently hostile
to their interests) but this was
the result of a suit brought by
representatives of a Society or private
corporation which had originally
acquired (by purchase, I believe,)
a considerable quantity of land
for temples and other purposes on
"Wu-shih shan", a portion of which
was regularly leased to the English
(Chur

Church Mission,

The Missionaries have now been forcibly expelled from nearly all of their property in the City, their Consul openly refusing to give them his support, and the officials are evidently determined to close the door as far as is possible to part the acquisitions of property by foreigners inside the city. That the old exclusive principles are regaining the ascendency, and that not a step will be taken by the local & provincial authorities towards developing relations with foreigners, further than they can be moved by the leverage power of treaties, seems certain.

I abstain from all controversy in regard to Wu Shih Shan, as our nationals are not directly interested there, but were I to admit the right of the authorities to interdict the acquisition and occupying

occupying of property there by foreigners, it would doubtless lead, at no distant day, to an attempt on their part to dispossess our people of property lying contiguous to that which they (the officials) "now class with sites or places "which it is perpetually prohibited "to lease or buy". They include Chinese with foreigners in this proposed rule, but that is evidently done only for effect.

It is certainly safe to assert that it is the right of our citizens to buy, sell, lease, build and live in any part of the treaty ports, and any admission of a right of Chinese to take measures for the abridgement of such treaty privileges would be taken advantage of to our infinite detriment.

I have the honor to be
Sir,
Your obedient servant.

(signed) Mc. Mc. Dedans.

"Yeh, Acting Provincial Judge (with titles) to the U.S. Consul M. M. DeLano Esquire in the matter of a communication.

I find on record that I received a joint petition from the Min and Hoo Kwan District Magistrates, saying that they had received a general petition from the gentry of the whole city Chen Ting Jan and others to the following effect:—

"The 3 hills at the capital "of Fokien Wu Shih Shan (Black "stone Hill) Chiu hsien (9 fairies) "and Ping Shan (screen hill) are "marshalled into a line of peaks "forming the confluence of the "dragon's arteries and are intimately "connected with the geomantic "influences of the whole city. If "on or below the said hill earth "and timber be raised and erected "it would be difficult to avoid

(a

"a calamitous influence therefrom,
"as regards all buildings and
"ground upon the hill, and buildings
"and garden ground adjacent, we beg
"that it will be prohibited to privately
"purchase or sell the same".

This was reported in detail to the higher authorities and entered on the records and the District Magistrate was directed to put forth a proclamation for the general information.

Later I received a petition from the Hou Kwan District Magistrate stating that "the spur
"below Wee-shih-shan, called first-
"hill is a most important spot
"where the pulse lowest, where also
"one hardly should suddenly raise,
"move and erect. To secure its spirit-
"like and potent elegance, there should
"be a perpetual prohibition against
"the private lease of any of it no
"matter whether vacant ground,
"buildings, or garden ground, etc."

(I.

I, (the Actg. Pro. Judge) again
sent communications to the Consuls
of the several nationalities to pass
on instructions to foreigners that
they may uniformly be informed,
as is on record.

Now Wu Shih Shan, Chiu
Hsien and Ping Shan together with
First Hill are classed as, or with
those which it is perpetually
prohibited to lease or buy, (No one,
Chinese or foreigner may lease or
buy buildings or ground on the said
spot. Of course uniform notification
should be given to secure its
generally reaching all

Besides sending a communication
to the Consuls of the several treaty
powers, and by detailed report
requesting the high authorities
to send a joint despatch to the
Tsungli Yamen that the latter
may send despatches to the
different Legations to find as
represented, it is fitting then

that

that I send you, honorable Consul this communication to find as represented, I would trouble you to circulate instructions to the missionaries and foreigners to acquaint them uniformly with the same.

March 8th, 1880.

Mr. De Lano to Yeh. Intendant.

March 19th, 1880

Sir:—

I have had the honor to receive your despatch of 3rd March, in which you referred to official action which has been taken in regard to the sale or leasing of building sites at or about Wu Shih Shan — within the city walls of Foochow.

Your despatch informs me that on account of the geomantic influences and position of the locality in question, it has been classed with sites or places which it is perpetually prohibited to lease or buy, and that neither Chinese or foreigners may hereafter lease or buy buildings or ground in said locality. You desired me to give notice accordingly to Missionaries and others of my nationals.

In

In reply I have to state that, not recognizing the right or authority of the local officials to forbid or prohibit the sale or leasing of property by Chinese subjects to American citizens, I cannot undertake to give publicity to the conclusions which have been reached in regard to the property in question, nor give instructions to my countrymen as you have requested. Looking to the 12th Article of the American Treaty of 1858, I find that "American "citizens shall be permitted to hire "sites on which they can themselves "build houses etc. etc, and that "the local authorities shall not "interfere".

It is clear that the right of the local authorities to issue proclamations prohibiting the sale or leasing of property to foreigners is not sanctioned by treaties. The property of a Municipal

Municipal Corporation, of a state, or of the Crown may not be sold or leased by the people, and it would be the duty of public officers who might be charged with the care of such property to prevent such sale or leasing, but at Wie-Shih Shan or the three Hills the case is different. It does not seem to have been to set apart for Municipal or Governmental purposes, but, on the contrary, that Chinese subjects buy and sell sites there, and that associations like the Tao Shan Kuan buy the land in parcels upon which to erect shrines and temples for idolatrous worship.

In conclusion, it is proper that I should inform you that I cannot take other action, in the matter which you have in your despatch brought to my notice, than to report it to H. E. the United States Minister at Peking

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and to await his instructions.

I have the honor, etc.

signed M. M. DeKans.

Despatch No. 664.
Inclosure 3.

Mr. Seward to Mr. de Lano.
No 118. April 15th, 1880.

Sir:—

I have had the honor to receive your despatch No 158. transmitting a correspondence which has passed between you and the native authorities at your port in regard to the purchase of land on the "Wu Shih Shan" and other hills in the city of Foochow.

I approve your action in refusing to assent to the proposed rules, and shall give you instructions in the matter so soon as I have conferred with my colleagues on the subject.

I think it well to point out to you that it was unnecessary for you to say to the authorities that certain associations buy lands in the

(given

given locality for idolatrous purposes.

I am, Sir etc,

(signed) George F. Seward,

END